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TRANSACTIONS

OF THE

HISTORICAL AND PHILOSOPHICAL

SOCIETY

OF OHIO.

PART SECOND.

VOL. I.

PUBLISHED BY ORDER OF THE SOCIETY.

CINCINNATI:
GEO. W. BRADBURY & CO., PRINTERS.
1839.

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US25507.15.5 (1²)

Rec^d. March 6. 1846.
(with Part I. Vol. I. 1838)

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ADVERTISEMENT.

The Ohio Historical Society was incorporated in the year 1822. Its purpose was that common to all similar associations, the preservation of documents, traditions, maps, pictures, medals and other matters illustrative of the History of Ohio, and the west generally. Never, it would seem, was a land more favorably situated for the collection of historical materials, than the Valley of the Mississippi; particularly for the collection of those which would illustrate the American portion of its story. Some of its very earliest American settlers are still living, and the most ample and authentic records of the characters and acts of all, may be supposed extant. Our readers may, therefore, very naturally be surprised at the scantiness of the original materials now presented them. We trust that the friends of truth and knowledge, will not suffer many more years to pass, without contributing enough of curious and original matter to the Historical Society of Ohio, to enable us to put forth another volume of deeper interest and more permanent value.

The history of the Ohio Valley includes three distinct periods:—first, that of the discovery and settlement by the French;—second, that of the discovery and settlement by the English, including the war of 1756;—third, that of the American dominion, commencing with the Revolution.

Of the first period, if we except the journals of the discoverers, there are scarcely any materials accessible in this country; but in France, probably, many remain that deserve to be drawn from obscurity; and we cannot but hope, that some of our many travelers will make the effort to procure access to them.

Of the second period, more may be learned in the United States, though an examination of the British offices, is the only thing that can put us in possession of the knowledge regarding it, that we ought to have.

But of the third portion of our story, ample materials exist among us, written and unwritten; papers, letters, journals and traditions. Let us once more beg our fellow citizens to help us in the collection of these. If they feel interest enough in the history of the Ohio Valley to join us, and bear a part of our burdens and expenses, we shall receive them with joy; but we do not ask this; we ask only a contribution of their knowledge and their documents, if they have any. It may be that we cannot publish these materials as yet, but a great step will have been taken when they are collected at one point, and made useful to those students who are now groping in the dark for information.

CONTENTS.

Letters relating to the Early Settlement of the North-Western Territory—contained in a series addressed to J. DELAFIELD, JR. ESQ., during the years 1837-8 —By J. BURNET:

Letter i. - - - - - - - - - 9
Letter ii. - - - - - - - - - 48
Letter iii. - - - - - - - - - 67
Letter iv. - - - - - - - - - 82
Letter v. - - - - - - - - - 108
Letter vi. - - - - - - - - - 135
Letter vii. - - - - - - - - - 158

Annual Discourse, delivered before the Ohio Historical and Philosophical Society at Columbus, on the 23d December, 1837—By TIMOTHY WALKER, ESQ. 181

A Discourse on the Aborigines of the Valley of the Ohio—By Gen. WILLIAM HENRY HARRISON. - 217

Appendix to the Discourse. - - - - - - 260

A Discourse delivered before the Ohio Historical Society—By JAMES H. PERKINS, ESQ. - - - 268

An Essay on the Origin and Progress of Political Communities, delivered before the Ohio Historical and Philosophical Society, December 22, 1837—By JAMES T. WORTHINGTON, ESQ. - - - 286

A Fragment of the Early History of the State of Ohio—an Address delivered at Marietta, on the 48th Anniversary of the first settlement of the State—By ARIUS NYE, ESQ. - - - - 306

BURNET'S LETTERS.

CINCINNATI, OCTOBER, 1837.

MY DEAR SIR:—WHEN I last saw you in Columbus, you expressed a desire that I would commit to paper, in the form of a letter, or otherwise, a biographical sketch of myself, and also such incidents, relating to the early settlement of the Northwestern Territory, within my recollection, as might be considered worth preserving.

A selection, of the character you mentioned, will be attended with difficulty and delicacy; as many of the occurrences, to which your request extends, relate more or less to myself, and I have not the vanity to believe, that such matters can be of much interest, even to my friends, and certainly of none to the public generally.

I frequently took notes of events, as they happened, in the early settlement of the Territory; though it was not my common practice. You may, therefore, infer, that many things which occurred, in the course of my long residence in the west, and which were of interest when they took place, have escaped my recollection, or are defectively remembered: and that the narrative you ask for, must be imperfect. The partiality of friendship generates a disposition to be gratified, by incidents concerning our friends, which, if related of strangers, would be heard with indifference. To that cause I must ascribe your request, as far as it relates to myself. Without further apology, then, I proceed to state, that Dr. Ichabod Burnet, my grandfather, was born and educated in Edinburg, and, after finishing his collegiate and professional studies, emigrated to the colonies, and established himself at Elizabethtown, New Jersey, where he continued in the practice of physic and surgery, till he attained to a very

advanced age. My father, Dr. William Burnet, the elder, was his only son. He was educated at Nassau Hall, during the presidency of the Reverend Aaron Burr, and graduated in 1749. After finishing his medical education, he commenced the practice of his profession, at Newark, New Jersey, and continued to pursue it, with intense application, till the winter of 1774–5. At that period, the oppression of the parent country had become too heavy to be longer endured. In that crisis, my father abandoned the duties of his profession, and devoted himself entirely to higher duties due to his country.

The administration of justice in the colony had been suspended, by royal authority, and the people were compelled to take the government into their own hands. In many of the counties, they elected committees of public safety, to whom they confided, *pro tempore*, the power of legislators and judges; and whose decisions they stood ready to execute, at the peril of life.

My father was appointed chairman of the committee for the county of Essex, and devoted himself to the duties of that office, till the fall of 1776, when he was elected to Congress. In the succeeding winter, he was appointed physician and surgeon-general of the army of the eastern department, which office he held, till the close of the war. He was stationed at West Point, when the capture of Andre disclosed the treason of Arnold.

I was born at Newark, New Jersey, on the 22d of February, 1770,—was educated at Princeton College, studied law four years and a half, under Richard Stockton and Judge Boudinot, was admitted to the bar by the Supreme Court of my native state, in the spring of 1796, and forthwith came to this place, where I have resided ever since.

At this time, the country to which I united myself, and with which it was my purpose to rise or fall, was literally a wilderness. The entire white population, between Pennsylvania and the Mississippi, from the Ohio to the Lakes, was

estimated at fifteen thousand. Cincinnati was a small village of log cabins, including perhaps a dozen of coarse frame houses, with stone chimneys, most of them unfinished. Not a brick had been seen in the place, where now so many and such elegant edifices present themselves to the eye, on every side; and where a population is found, exceeding, by estimation, thirty-five thousand.

The city stands on a lower and an upper bench, the former rising about sixty feet above low-water mark, and extending back about sixty rods, the latter rising about forty feet higher than the former, and extending an average distance of a mile and a half from the river. The surface, at the foot of this bench, being originally much lower than at the bank of the river, was a swamp, or narrow morass, extending the entire length of the town. The exhalation from this morass subjected the inhabitants, every summer and fall, to intermittants and agues. In the fall after my arrival, I had a severe attack of this fever. My bed was in a large unfinished room, intended for, and occasionally used, as a ball-room; but ordinarily serving as the common dormitory of the establishment. There were fourteen or fifteen others lying sick at the same time, in the same apartment, giving it the appearance of a public hospital. Among this number, was my esteemed friend, John Matthews, who afterwards settled and died near Putnam, in the county of Muskingum. Bad as our situation was, no murmuring or complaint was heard. The inmates, many of whom had been accustomed to very different accommodations in sickness, did not allow themselves to draw comparisons with the past, but resolved to be contented, knowing they were as well provided for as circumstances would permit.

It may assist you in forming an idea of the appearance of this place at that time, to state, that at the north-east corner of Main and Fifth streets, now the centre of business and tasteful improvements, and contiguous to a rough, half-finished frame house, in which our Courts were held, there was a

pond, filled with alder-bushes, in which the frogs serenaded us regularly, from spring to fall. This morass extended so far into Main street, that it was necessary to construct a cause-way of logs, in order to pass it with convenience; and it remained in its natural state, containing its alders and its frogs, three or four years, after my residence commenced. The population of the town, including officers and followers of the army, was about five hundred. The troops stationed at Fort Washington, were commanded by Captain Harrison. In 1797, General Wilkinson made it his head-quarters, and took the command in person. The town contained but few families, who had been accustomed to mingle in the circles of polished society. This circumstance put it in the power of the officers and attaches of the army, in a great measure, to give character to the manners and habits of the settlement. It will naturally be concluded, that such a state of things was not calculated to make the most favorable impression, on the sobriety and morality of the place; and the result proved that the conclusion was just. The vice of idleness, drinking, and gambling, were carried to a greater extent in the army, at that time, than they have been at any period since. This may be attributed to the fact, that they had been some years in the wilderness, cut off from all society but their own, having but few comforts or conveniences within their reach, and no amusements but such as their own ingenuity could invent. Libraries were not to be found. Men of literary minds or polished manners were rarely met with, and they had been for a long time deprived of accomplished female society, which always produces a salutary influence on the feelings and moral habits of men. Thus situated, the officers were urged, by an irresistible impulse, to tax their wits for expedients to fill up the chasms of leisure, which their military duties left on their hands; and, as is too frequently the case with men in such circumstances, the bottle, the dice-box, and the card-table, were resorted to, as being the nearest at hand, and the most easily

obtained. A very large proportion of the officers of General Wayne's army, were hard drinkers. General Harrison and Governor Clark, then captains in the army, and Colonel Shomberg, and a few others, being the only exceptions. Such were their habits, when they began to associate with the people of Cincinnati, in the first stages of its settlement. As a natural consequence, the inhabitants indulged in the same practices, and formed the same habits, to an injurious extent. In proof of this, I will cite one fact. When I came to the bar at this place, there were nine resident lawyers engaged in the practice. I have been, for several years, the only survivor of that group; all of whom became confirmed sots, and have gone to untimely graves, except my brother, whose life was terminated in 1801, by a rapid consumption.

In the fall of 1796, the celebrated author, Mons. Volney, who had traversed the state of Kentucky on foot, carrying his wardrobe in an oil-cloth, under his arm, arrived at Cincinnati, and took lodgings at Mr. Yeatman's, the principal hotel in the place. Being an inmate of the same house, I became acquainted with him, so far as an acquaintance could be formed, with a person who was determined not to be sociable with anybody. Governor St. Clair was lodging at the same place, and attempted in vain to penetrate his object; which seemed to be political as well as scientific. Many believed him to be a spy, sent to ascertain the state of public feeling in the western country, in reference to a separation from the Union. That opinion was considered plausible, by the circumstance, that his journey was undertaken very soon after the project, ascribed to Judge Sebastian and others, to detach the western country from the United States, had gained publicity; and also by the mysterious reserve which marked his general deportment. If such was his errand, a more unsuitable agent could not have been selected. He was retiring, unsociable, and unusually credulous. Several officers of the army, who traveled with him from this place to Detroit, availed themselves of that weak-

ness, very much to their amusement. When they were at Greenville, the old encampment of General Wayne, they persuaded him to believe that the waters of the Ohio, in very high freshes, backed up to the falls near that place; though a little reflection would have convinced him, that the foot of that fall was higher than the top of the highest hill on the Ohio river. However justly celebrated for his learning, and however much at home in literary circles, he was very much out of place in such society as he generally found on his western tour.

When I first planted myself in this country, it had recently commenced its political existence, under the first grade of territorial government, provided by the ordinance of 1787. By that compact, the executive power of the territory was vested in a governor, appointed by the President, with the advice and consent of the Senate. The judicial power was in a general court, of three judges, appointed in the same manner; and the legislative power was conferred on the governor and judges thus appointed. In 1789, President Washington nominated the first officers for the territory, and in August of that year, with the advice and consent of the Senate, he appointed Arthur St. Clair to be governor, Winthrop Sargeant to be secretary, and Samuel Holden Parsons, John Cleves Symmes, and William Barton, to be judges of the western territory. Under this simple form, the settlement of the Northwestern Territory commenced; and has progressed to the high state of cultivation and improvement, which you discover on every side.

The first adventurers to the territory, were chiefly men who had devoted the prime of their lives and exhausted their property, in the desolating war, undertaken to defend the colonies, against the usurpation of the mother country.—Some of them were the descendants of revolutionary patriots, who had fallen in the contest, or become enfeebled by age or premature infirmity, and could not encounter the exposure and privations, attending the settlement of a vast wilderness,

filled with hostile savages. Other adventurous spirits, anticipating the fruits of a successful termination of the enterprise, united with them in their hazardous project. A colony, of this description, from New England, landed at the mouth of the Muskingum, in April, 1788, for the purpose of occupying and settling the grant made by Congress, to Sargeant Cutler and others, in trust for the Ohio company of associates. Most of them had served in the war of the revolution, and a number had been officers of distinction and merit. Their settlement was commenced at the mouth, on both sides of the river. Their first object was to erect a stockade, for protection, at Point Harmar, near the fort of that name. In their journey westward, they struck the Monongahela river, if I remember correctly, at the mouth of Yoghigana, and, as it was highly dangerous to proceed in open boats, they halted at that point, and built a substantial row-galley, completely decked over; in which they were effectually protected against the rifles of the Indians. This was the first decked vessel that ever floated on the Ohio river; and after their arrival at the place of their destination, it was found to be of great use for the safe transportation of persons and property from place to place. Although most of these emigrants were men of distinction and energy, yet General Rufus Putnam was regarded as their principal chief and leader. This gentleman, one of the veterans of the revolution, was appointed a judge of the general court, in 1790, in place of Judge Barton, who had resigned. In 1792 he was appointed a brigadier general in the service of the United States, and in 1796, he received the commission of surveyor-general. He then resigned his seat on the bench, and was succeeded by Mr. Joseph Gilman, one of the pioneers, who had settled at Point Harmar. General Putnam's residence was on the east side of the Muskingum, about half a mile back from the Ohio. For the protection of his own family, and as a refuge for the people who were settled round him, he constructed a strong, spacious block-house, contiguous to his cabin, and enclosed

the whole by substantial pickets. In that humble residence he received his friends and visitors, and entertained them with the plainness and simplicity of an ancient patriarch. During the sitting of the general court, in October, 1796, I was one of a party, of about thirty, who dined at his cabin. The block-house and pickets were standing, though the danger which caused their erection had ceased. Our venerable host entertained us, with a simplicity and dignity of deportment, which seemed to be a part of his nature. It was without ostentation, but with much good sense, mingled with wit and humor. He recited anecdotes of the revolution, and of the Indian war, which had just closed; in the hazards of which he partook very largely. Some of these incidents, though serious and distressing in their character, were repeated with such embellishments, as rendered them interesting, and sometimes highly amusing. This colony from New England, were descended from the puritan fathers, who first landed on the rock of Plymouth. They retained a portion of the steady habits of their fathers, including much of that veneration for the institutions of religion, morality, and education, which had distinguished their pilgrim ancestors. The consequence was, that as soon as they had provided shelter for their families, their attention was directed to the organization of a church. A pastor was procured, and a place of public worship provided. A school was also established, and every individual in the settlement contributed, voluntarily and cheerfully, in sustaining these infant institutions.

Soon after this company had commenced the settlement of their purchase, two or three parties, under Judge Symmes, who had contracted for the lands between the Miami rivers, for the benefit of himself and associates, arrived at the place of their destination, and settlements were begun, almost simultaneously, at North Bend, Cincinnati, and Columbia. Judge Symmes established himself fifteen miles below Cincinnati, on a bend of the Ohio river which extended north,

almost to the Big Miami; from which circumstance, it then received the name of North Bend, by which it is still known. At this place he laid out a spacious city, extending from one river to the other, to which he gave his own name. Many of the first adventurers located themselves at that place, and for some time it promised to rival Cincinnati. Through the influence of the judge, the detachment sent by General Harmar, to erect a fort between the Miami rivers, for the protection of the settlers, landed at North Bend. This circumstance induced many of the first emigrants to repair to that place, on account of the expected protection, which the garrison would afford. While the officer commanding the detachment was examining the neighborhood, to select the most eligible spot for a garrison, he became enamored with a beautiful black-eyed female, who happened to be a married woman. The vigilant husband saw his danger, and immediately determined to remove, with his family, to Cincinnati, where he supposed they would be safe from intrusion. As soon as the gallant officer discovered, that the object of his admiration had been removed beyond his reach, he began to think that the Bend was not an advantageous situation for a military work. This opinion he communicated to Judge Symmes, who contended, very strenuously, that it was the most suitable spot in the Miami country; and protested against the removal. The arguments of the judge, however, were not as influential as the sparkling eyes of the fair female, who was then at Cincinnati. To preserve the appearance of consistency, the officer agreed, that he would defer a decision, till he had explored the ground, at and near Cincinnati; and that, if he found it to be less eligible than the Bend, he would return and erect the garrison at the latter place. The visit was quickly made, and resulted in a conviction, that the Bend was not to be compared with Cincinnati. The troops were accordingly removed to that place, and the building of Fort Washington was commenced. This movement, apparently trivial in itself, and certainly

produced by a whimsical cause, was attended by results of incalculable importance. It settled the question at once, whether Symmes or Cincinnati, was to be the great commercial town of the Miami purchase. This anecdote was communicated by Judge Symmes, and is unquestionably authentic. As soon as the troops removed to Cincinnati, and established the garrison, the settlers at the Bend, then more numerous than those at Cincinnati, began to remove; and in two or three years, the Bend was literally deserted, and the idea of establishing a town at that point, was entirely abandoned.

Thus, we see, what great results are sometimes produced, by trivial circumstances. The beauty of a female, transferred the commercial emporium of Ohio, from the place where it was commenced, to the place where it now is. Had the black-eyed beauty remained at the Bend, the garrison would have been erected there, population, capital, and business would have centred there, and our city must have been now of comparatively small importance.

A number of emigrants came to the Miami purchase in the summer of 1788, and some of them remained, during the succeeding winter; but the commencement of the permanent occupancy of the Miami country, ought to be dated from the succeeding year, when the principal settlements, on its southern boundary, were made, with such numbers, and in such a spirit, as evinced an unalterable determination to persevere and hold the country at all hazards.

The town of Columbia, situated on the Ohio, below the mouth of the Little Miami, was laid out by Major Stites, who had purchased ten thousand acres of land, in the fork of those rivers. Early in 1789, he moved on his purchase, with a colony of fifteen or twenty families, including those of Colonel Spencer, Major Gano, Judge Goforth, Francis Dunlavy, Major Kibby, John Smith, and Colonel Brown. The founders of this place were men of enterprise, and were more numerous than either of the parties, which commenced

the settlements below them. By their activity and numbers, they soon built a respectable village, which contained a larger population, and more comfortable dwellings than either Cincinnati or North Bend. For two or three years, it was a flourishing town, and some persons believed that it would rival Cincinnati. But Fort Washington being established at this place, made it the head-quarters, and the depot of the army. It had also been made the seat of justice. These facts, together with the security afforded by the garrison, gave it advantages, which soon enabled it to go ahead of the rival towns in its vicinity.

These settlements were all commenced, before the organization of judicial courts, and before provision had been made for the regular administration of justice, in the territory. This circumstance placed the inhabitants in an unpleasant situation; as it subjected them to the necessity of devising ways and means, to guard against injury and depredation by the vicious and unprincipled. An effort was made to obviate that difficulty at Cincinnati, and for that purpose, word was circulated through the settlement, that the people would meet the next day, to consult and determine what should be done for their common safety. At the time appointed, they met under one of the majestic trees,* which

* It was probably an oak, or a poplar, sometimes called the tulip-tree, as these varieties abounded, in great perfection, on every part of the plain. It might have been an elm, to which the title of majestic has been appropriately given in Europe as well as America. On the lower bench of the town-plat, a number of this species of tree were standing, in all their grandeur, many years after it was settled. I have often noticed one on the rising ground, in front of Fort Washington, to which an Indian said he had tied his canoe, when he was asked how high he had seen the Ohio river. This, I was informed, was in 1791, when the river was at an unusual height, though many feet lower than the root of that tree. But be this as it may, there is no probability that the tree, under which the meeting was held, was a buckeye. That most useless and worthless of the product of our forest, was not a favorite with the pioneers. They considered it as an incumbrance, and a nuisance, unfit for any useful purpose; and this impression was so universal, that the name was applied

shaded the plain. They elected William McMillan chairman, appointed a secretary, whose name I forget, and proceeded to business. They formed a code of by-laws, fixing the punishment to be inflicted for certain offences. They organized a court, established a trial by jury, appointed Mr. McMillan judge, and John Ludlow sheriff. Before the meeting adjourned, every person present agreed to the regulations, and gave a solemn pledge that he would aid in carrying them into effect. It was not long, before a complaint was made against Patrick Grimes, for stealing cucumbers from the truck-patch of one of his neighbors. An order was immediately issued to the sheriff, directing him forthwith, to arrest the offender, and summon a jury for his trial. The order was promptly obeyed, a jury was impanneled, the evidence heard, a verdict of guilty returned, and the accused sentenced to receive twenty-nine lashes on his naked back; which were inflicted the same afternoon. In a few weeks, another complaint was made, and an order issued to arrest the person accused. He immediately fled to the garrison, and claimed the protection of the commandant. The next day, Mr. McMillan received an abusive letter from that officer, requiring him to desist from further proceeding, and threatening him with punishment, if he did not. A spirited reply was returned to the letter, denying the right of the commandant to interfere, and setting him at defiance. The military pride of the subaltern, being wounded by this rebuke, he sent from

to persons, by way of derision, as indicative of folly, ignorance, and stupidity. It was given to a mere pretender to skill, in any art, or profession; as, for example, "he is a buckeye lawyer," "a buckeye doctor," "a buckeye carpenter;" "his head is as soft as a buckeye block." These were common, every-day expressions, and yet, strange to tell, that term of reproach and contempt has been selected, and by common consent, adopted as a familiar name, by which to designate the state and its inhabitants. Admitting it to be in good taste, to give the state, or its citizens, the name of a tree, I have often wondered why the *royal oak*, or the *majestic elm*, was not preferred, to the most useless, poisonous, and despised product of our forest.

the garrison, the next day, a sergeant with a file of three men, to arrest McMillan. It is proper here to observe, that at that time Mr. McMillan was young, athletic, in high health, and possessed of unusual strength and activity. The first intimation he had of the movement againt him, was from the sergeant, at the door of his cabin, which was taken possession of by the guard. A short parley ensued, in which McMillan declared his determination not to be taken alive, and forbade the guard to enter his cabin. After a short pause, however, they rushed in, when a most furious conflict ensued. The sergeant, who first entered, received a blow, which brought him to the floor. At the same instant the men seized their victim, who, by a prodigious effort of strength, rescued himself from their grasp, giving one of them a blow which effectually disabled him. Mr. McMillan informed me that the conflict lasted fifteen or twenty minutes, when the parties became entirely exhausted, and the guard retired. During the struggle, among the severe blows inflicted on McMillan, was one in the breast; from the effects of which he never recovered. He was confined to his bed for many weeks, and after he had recovered sufficiently to attend to business, he was weak, debilitated, and afflicted with a cough, which continued to the time of his death. Soon after this unfortunate affair, a court of quarter sessions was organized, for the county of Hamilton, by Governor St. Clair, and Mr. McMillan was appointed one of the justices of the quorum. As I shall have occasion to speak of this gentleman in the sequel, it is unnecessary to say more at present.

The hostility of the Indians was manifested, as soon as the Miami settlements began. Mr. Filson, one of the surveyors of Judge Symmes, was killed early in 1789, soon after the first lodgment at this place, and before the town was laid out. Major Mills, an intelligent, enterprising emigrant, from New Jersey, was wounded about the same time. In 1794, Colonel Robert Elliott, contractor for supplying the

United States' army, while traveling with his servant from Fort Washington to Fort Hamilton, was way-laid by the Indians, and killed. His servant escaped unhurt, and brought in the horse rode by the contractor, at the time he was shot. The colonel, being somewhat advanced in life, wore a wig. The savage, who shot him, in haste to take his scalp, drew his knife, and seized him by the hair. To his astonishment, the scalp came off at the first touch. The wretch exclaimed in broken English, "*dam lie!*" In a few moments the surprise of the party was over, and they made themselves merry at the expense of their comrade.* When the servant returned with the information of the disaster, a party went out to the ground, for the purpose of burying the remains of the colonel. While they were depositing the body in a coffin, taken out for the purpose, the Indians attacked them,—killed the servant, who was riding the same horse from which his master had been shot, and drove off the rest of the party. They, however, soon returned, and recovered the body, which they brought in, together with that of the servant, and buried them side by side, in the Presbyterian cemetery. Since then, Captain Elliott, of the navy, son of the colonel, has erected over his remains, a neat monument, with suitable inscriptions.

After General St. Clair marched his army into the Indian country, in the summer of 1791, it became necessary to keep up a communication between Fort Washington, and the advanced posts. Small parties were constantly passing and repassing, either with supplies or intelligence. Though the main body of the savages were watching the movements of the army, yet small scouts were constantly hovering about the settlements, and infesting the roads and paths, which these parties were compelled to travel. Attacks were frequently

* The Indians who killed Colonel Elliott, communicated these facts to some of the officers, at the treaty of Greenville, in 1795. They described the manner in which they amused themselves with the wig, after their surprise was over.

made by these scouts, sometimes with partial success, but more frequently with disappointment and repulse. Soon after the battle and defeat of St. Clair, which was on the 4th of November, 1791, General Harrison, then a subaltern in the army, was sent in command of a small detachment, from Fort Washington to Forts Hamilton and Jefferson. It was in the midst of one of the severest winters ever known in this country. Subalterns, as you know, were not permitted to march on horse-back. Of course this youthful hero, not then twenty years of age, marched on foot through the snow, at the head of his detachment, with his knapsack on his back; and although the woods were swarming with Indians, who had been released from the necessity of watching the army, he reached the place of his destination in safety, after as severe an exposure to frost, fatigue, and danger, as was endured at any time during the war. I have frequently heard the officers, and others, connected with the army, express their surprise, that so many and such fearful risks should have been incurred, attended with so small a number of disasters. Next to the protecting care of Providence, this is ascribable, to an insensibility to danger, produced by frequent exposure, which renders the mind collected, and prepares it to act with prudence and judgment in every emergency. It shows that when habit robs danger of its terrors, the white man soon acquires the presence of mind, the instinctive vigilance, and the acute perception of the presence or approach of an enemy, for which the natives are so much celebrated. In my early intercourse with the officers of General Wayne's army, I could not but feel surprised at the levity with which they spoke of their exposures and hair-breath escapes; and the calm indifference, and sometimes merriment manifested in the relation of disasters, which must have been highly distressing to those concerned. I was certain, from my knowledge of the men, that this did not proceed from any want of natural tenderness or sympathy, but from the temporary obtuseness of feeling, which they

acquired during their campaigns in the Indian country. It seems to be a benificent provision of nature, that men who are timid and sensitive to danger, and disposed to sympathy, when objects of distress are before them, should cease to be influenced by such feelings, when duty brings them into scenes of peril and cruelty, in which energy, and contempt of danger, are necessary to insure their safety.

The unhappy division which existed among the officers of the western army, produced by the quarrel which had taken place, between General Wilkinson and the commander-in-chief, gave a serious check to the pleasure of their social intercourse. With the exception of three or four individuals, they had taken sides, and were ranged with the friends, either of one or the other. The adherants to the commander-in-chief, were by far the most numerous; but his opponents were decidedly the most bitter and persevering. Although the officers associated with each other constantly, yet it was not with that cordial good feeling, which would have existed under other circumstances. They found it necessary, for the preservation of harmony, to restrain their feelings, and not to indulge in such expressions of enmity, or disrespect, as were calculated to give offence; but in spite of this caution, disputes sometimes arose of a bitter character, which were not adjusted without difficulty, and, in one or two instances, terminated in challenges.

Though I did not approve of General Wilkinson's course, yet I was intimate with him, and often dined at his quarters. This gave me an opportunity of witnessing the bitter and malicious feelings of his aids, and others of his friends, towards General Wayne. At one of these parties, Major Campbell Smith, who was an aid, and a warm partisan, and who possessed an active, sprightly, well-informed mind, affirmed, that the victory at the rapids of the Maumee, was not ascribable to the talents of the commander-in-chief, but in part, to accident, and, in part, to a want of concert, among the chiefs of the different Indian tribes. He alleged that the

attack was premature; that not more than half the Indians had come up from Swan creek, where they encamped the night before, when the firing commenced on our troops. He also asserted, that Blue Jacket, the Shawnee, who was the commander-in-chief of all the tribes in that battle, rejected the plan proposed by the Little Turtle, chief of the Miamis. He gave it as his decided opinion, that if the Little Turtle had commanded, or if his advice had been followed, our army would have been defeated. He often repeated a dialogue, communicated to him in a dream, as he said, between old Charon and the ghost of one of General Wayne's soldiers, on the bank of the river Styx; in which the old ferryman affirmed stoutly, that he had carried over but sixteen Indians killed in the battle; a number much less than the estimated loss of the enemy. Colonel B. Shomberg, a native of Germany, was also a member of General Wilkinson's military family, being one of his aids. Though sincerely attached to his immediate commander, and anxious to advance his interest, yet he felt the respect due to the commander-in-chief. His bravery, which no man doubted, was mingled with much kindness of feeling; and having served in Europe, he had a correct view of the duty of an officer, situated as he was. Under these influences, he always spoke of General Wayne, with respect. My intimacy with him, and the mutual friendship existing between us, gave me an opportunity of forming a correct opinion on this subject. The colonel was, by nature, a gentleman; he possessed a large share of gravity, and dignity of deportment, and was restrained by a sense of propriety, as well as of duty, from all improper expressions, or disrespectful allusions, to the commander-in-chief.

Major Guion, was probably as uncompromising an enemy, as the commander-in-chief had, in the army; yet, when the news of the general's death arrived, and the major heard of it, he raised his hands and exclaimed, "what! General Wayne dead—dead? Then enmity die with him;" and

from that time, no person ever heard from his lips, an unkind expression, or a disrespectful word, applied to the memory of his deceased commander. The major possessed a fine mind, highly cultivated; he was an excellent engineer, and in every respect a most accomplished officer. He had a natural vein of wit and satire, which he was in the habit of indulging freely. His sarcastic disposition, sometimes led him into difficulty, although he generally exercised it with caution, till he discovered how far he might proceed with safety. It was understood, that he frequently indulged this propensity, to discover whether young officers, who had recently joined the army, were entitled to respect, by ascertaining whether they knew how, or had nerve enough to command it. This discovery being made, he advanced or receded, as prudence dictated. It was a maxim with him, that no officer should be permitted to remain in the army, who had not resolution, promptly to resent, and avenge an insult, the moment it was offered. His deportment to the officers generally, was kind and conciliating, though he sometimes stung his best friends; but when he did so, reparation was voluntary and prompt, and on such occasions, his explanations were so conceived, as to produce an impression, that he was influenced by a sense of duty, and an unwillingness to lose a friend, rather than by a dread of consequences.

You may infer the liberty, which the officers occasionally took with each other, from the following anecdote:—Major John Belli, who was quite a polished man, in his manners and deportment, but at the same time, troubled with a large share of vanity, received the appointment of deputy quarter-master general. He immediately placed a neatly painted sign over the door of his quarters, exhibiting his name and office, in this form: "John Belli, D. Q. M. G." A person one day, enquired of General Scott, what it meant? Scott answered promptly, "why, sir, it means, that John Belli, is a *damned quick made gentleman.*" But it is time to terminate this digression.

During the whole progress of the war, small parties of Indians were constantly lurking in the neighborhood of the whites, watching for opportunities to murder and plunder. They frequently came into the settlements in the night, and carried off horses and other property, undisturbed. These depredations were so frequent, that the inhabitants were constantly on the watch, and found it necessary to guard each other, when engaged in clearing, or cultivating their lots, adjoining the settlements. They never ventured into the woods unarmed, and seldom alone; and although there was a detachment of troops at Fort Washington, the inhabitants of Cincinnati, thought it necessary to go to church armed, though the place of worship, was within a quarter of a mile of the garrison.

The Miami purchase, in which Cincinnati is situate, was intended principally, for the accommodation of the officers and soldiers of New Jersey, who had served in the revolution. But Judge Symmes, who was the originator of the plan, did not attempt to confine its benefits to any particular class of people. The notice he published of his contract, was addressed to the public at large, and the invitation to participate in it, was equally extensive. All were invited to become associates, and take as much land as they desired at first cost, as will be stated more fully, in a subsequent letter. The fact is now adverted to, for the purpose of showing the reason, why the first emigrants to the Miami purchase, were principally from New Jersey. The larger portion of them, had purchased their land, or expected to take up forfeitures, a term which will be explained hereafter, for the purpose of improving it; and many of them were not provided with the means of subsisting their families, in any other way. These emigrants found themselves in a distressing condition. To go on their lands, was almost certain death, and to stay in the villages, without employment, brought them to the verge of starvation. The inhabitants generally, were stinted in the means of sustenance, and

depended chiefly on game and fish, with such agricultural products, as they could raise, in the immediate vicinity of the villages. After they had endured these privations, as long as they were tolerable, the more resolute determined to brave the consequences of moving on their land. The plan they adopted for safety, was this: Those families whose lands were contiguous, united together to accomplish their purpose, and in this way, a number of distinct associations were formed, for mutual protection. The men engaged in these enterprises, went out well armed. Each party erected a strong block-house, with cabins contiguous, enclosed by log pickets, and commenced clearing their land. During the day one of them was placed as a sentinel, to watch the approach of an enemy, while his comrades were engaged at work. At sunset, they returned to the block-house, taking every thing of value within the pickets. In this way, they proceeded from day to day, and week to week, till they completed a clearing, sufficiently large to subsist their families. During this time, they depended for subsistance, in part, on wild game, obtained at great hazards. Some of them took out their families, as soon as their block-houses were built; others left their wives and children in the settlements, till they had completed their improvements, and were ready to plant their corn. In the course of a year or two, at least a dozen of these stations were formed, in the manner above described, which afforded protection and subsistence to some forty or fifty families.

After these establishments were made, the Indians were less annoying to the towns on the Ohio. They were more employed in watching the stations, for plunder and scalps. Their visits to the river settlements, however, were not discontinued. They made them occasionally, and sometimes succeeded in taking a horse, a scalp, or a prisoner. On one occasion, they attacked and took a canoe, about two miles above Cincinnati, containing three or four persons. The son of Colonel Oliver Spencer, at Columbia, a lad eight or ten

years of age, was one of the number. He escaped injury in the attack, but was taken prisoner, and carried to one of the Indian towns in the interior. Mr. Joseph Cutter, an enterprising adventurer, was killed in his corn-field, within the limits of the town. And similar occurrences took place, at North Bend and Columbia.

The Indians viewed the fortified stations, erected in various parts of the country, with great jealousy. They had the appearance, in their estimation, of permanent establishments, intended to hold the country, till the whites should become sufficiently numerous, to expel them entirely from their favorite hunting grounds. They were certainly correct in this view of the matter, and it was fortunate for us, that they lacked either the means, or the skill of destroying them. The truth is, they had no idea of the flood of emigration, which was setting towards their borders, and did not, therefore, feel the necessity of incurring the danger and loss, to which immediate, vigorous action would subject them. They certainly did not lack bravery. No man can think so, who has seen or learnt the countless instances of their heroic self-devotion. Prudence or caution, sometimes called cowardice, they certainly possessed, to a great extent. It was a part of their education. It led them to avoid danger, when the object in view was not of sufficent importance, to overbalance the loss which victory would cost them. But when they saw and felt the importance of accomplishing an object, and resolved to undertake it, they did not know what fear was. Danger could not deter—it rather urged them to exposure. Although they were not insensible to the consequences of suffering these stations to be maintained, which were like so many posts in advance of an approaching enemy, yet they saw not the necessity of immediate actions, and therefore deferred, what they thought could be as well accomplished at another time. Notwithstanding this, they attacked some of them, with an apparent determination to take and destroy them. Fortunately they were repulsed in every instance,

either for want of numbers, skill, or perseverance. The assault they made on White's Station, built by Captain Jacob White, a pioneer of much energy and enterprise, on his land, at the third crossing of Mill creek, was resolute and daring. It was met and resisted by the captain, and his small band of associates, with equal gallantry; and the enemy were foiled in their attempt. During this attack, Captain White shot and killed a warrior, who fell so near the block-house, that his comrades did not suceeed in carrying him off. He was brought into the garrison the next morning, and from his stature, as reported by those who saw him, he might have claimed descent from a race of giants. I do not remember, that any of the small party assailed, were either killed or wounded; but from the appearances of blood, on the ground occupied by the Indians, it was supposed they had suffered severely.

The defeat of General Harmar, in 1790, was followed by vigorous efforts on the part of the savages, to harass and break up our settlements. The destruction of their property on the St. Joseph's and other places, had exasperated them to a degree of frenzy. They followed the retreating army, bent on revenge; and during the remainder of that season, their depredations were incessant. After the army returned to Fort Washington, and the volunteers were discharged, an attempt was made to open a negotiation with the Indians, but without success. The officers sent on that embassy, were seized, and most cruelly butchered, though they went out under the protection of a flag, carrying the olive branch, and the calumet of peace.*

*In a recent publication, it is stated that Colonel Hardin and Major Truman were sent out in succession by General Wayne, with flags of truce, etc. to the Indians, and that they were killed. This statement is manifestly erroneous. Those gallant officers, accompanied by a Mr. Freeman of this place, were sent out together by General Harmar, from Fort Washington, with a flag, shortly after his defeat. General Wayne did not take the command of the army till 1792, after the defeat of General St. Clair, which was on the 4th of November, 1791. Hardin, Truman and Freeman were

Soon after the termination of this unfortunate campaign, an attack was made by a large party of Indians, on the station of Colerain, in the winter of 1790–1, which also failed. At this place there was a small detachment of United States troops, commanded by Colonel Kingsbury, then a subaltern in the army. It was furnished with a piece of artillery which was considered as a terrific instrument of destruction by the natives, but this did not deter them. The attack was violent, and for some time the garrison was considered in great danger. The assailants, who were led by the notorious Simon Girty, outnumbered the garrison, ten or fifteen to one. Their number was estimated at from five to six hundred, and they commenced the attack, like men certain of victory. The works were entirely of wood, and the only obstruction between the assailants and the assailed, was a picket of logs, which a sacrifice of probably forty or fifty lives, might have demolished, and given access to the door of the block-house. The little garrison, though a handful compared with the host by which they were assailed, displayed unusual gallantry, in some instances, amounting to rashness. They frequently exposed their persons above the tops of the pickets, mocking the savages, and daring them to come on. During the incessant fire from both sides, every expedient was resorted to, by the women as well as the men, to irritate and provoke the enemy. They exhibited the caps of the regulars above the pickets in derision, as marks to be shot at. Judging from the relation given by several who were there, they conducted with

assassinated by the savages at least eighteen months before General Wayne was appointed to the command of the army.

Major Ferguson of this city, served as a volunteer on that expedition, and was intimately acquainted with those officers. I learn from him, that Colonel Hardin, after his appointment to that hazardous duty, expressed his conviction, in a confidential conversation, that the Indians would violate the flag, and assassinate him; assigning as a reason, that they knew him, not only on the last, but on former expeditions; in which they had suffered severely. That they both hated and feared him, but that he would obey the order, at the sacrifice of his life.

great folly, as well as bravery. Colonel John Wallace of this place, one of the bravest of the pioneers, and as amiable as he was brave, was in the fort when the attack was made. Although the works were completely invested by the enemy, the colonel volunteered his services to go to Cincinnati, for a reinforcement. The fort stood on the east bank of the Big Miami. In the night, he was taken in a canoe, and landed on the opposite side of the river. From thence, he made the best of his way through the woods, re-crossed the river, some miles below the fort, and in the morning, met a detachment from Cincinnati and Columbia, on their way to Colerain. Information had been conveyed to those places, by persons, who happened to be sufficiently near, to hear the firing, when the attack was first made. At the time of this attack, Abner Hunt, a respectable citizen from New Jersey, was surveying in the neighborhood of Colerain, and was killed by the Indians, before he could reach the fort. His body was afterwards found shockingly mangled.

Within a few weeks of this affair, but whether before or after, I cannot be certain, a large party of Indians surrounded Fort Jefferson, built by the troops of the United States, about six miles south of Greenville, now the county seat of Darke. Before they were discovered by the garrison, a party crept up and secreted themselves in the underbush, and behind some logs near the fort. Knowing that Major Shayler, the commandant, was passionately fond of hunting, they imitated the noise of turkeys, with great exactness. The major, not dreaming of a decoy, hastened out, with his son, fully expecting to return loaded with game. As they approached near the place, from which the sound came, the savages rose and fired. The son, a lad of fine promise, fell. The Major turned and fled to the garrison. The Indians pursued him closely, calculating either to take him, or to enter the sally-gate with him, in case it should be opened for his admission. They were, however, disappointed; though at his heels, he entered, and the gate was closed at the instant they reached

it. In his retreat, he was badly wounded by an arrow in the back. Had this been the only penalty of his temerity, he might have blessed his patron saint; but the loss of a child, sacrificed by his rashness and folly, rested on his memory, and inflicted a punishment, as bitter as malice itself could invent, or desire to impose.

You are aware, that much diversity of opinion prevails, in reference to the name first given to this place. It may not therefore, be improper here, to state the facts, as they were communicated by the original proprietors, though it may seem to be somewhat out of place. Matthias Denman, of New Jersey, first purchased the section and fraction, whereon the city stands. In the year 1788, he determined to lay out a town on his purchase, and entered into an agreement with Colonel Robert Patterson, then living in Lexington, and a Mr. Filson, to admit them as co-proprietors; each to have an equal interest with himself. Filson agreed to lay out the town — to superintend the sale and settlement of the lots, and generally to act as the agent of the proprietors. They agreed on the plan of laying off the lots. On the recommendation of some sophomoric quack, they consented to call it Losanteville, from the fact, that it was opposite the mouth of the Licking river. This name was derived from the words *Le*, *os*, *ante*, *ville*, which the inventor rendered, "the town opposite the river," instead of the mouth opposite the village. By uniting these words he got the name Losanteville. Mr. Denman then returned to Limestone—Filson went out on a surveying tour, and was killed by the Indians, before any step was taken to execute his contract with the proprietors. A new contract was then made, between Denman, Patterson and Israel Ludlow; by which Ludlow took the place of Filson, and was to perform the services, which had been assigned to him, by the first arrangement. The new proprietors met at Limestone, in 1789, and formed a new plan, for laying out their town, the execution of which was committed to Colonel Ludlow. In consequence of

remonstrances from Judge Symmes, Governor St. Clair, and others, they abandoned the name selected by the first associates, and agreed to call the town Cincinnati. It was so named on the plat, before the lots were surveyed. It is, therefore, a mistaken idea, that this town ever had a name, other than the one it now bears. The name Losanteville, was made for a projected town, which never existed, except in imagination. That project was abandoned, and the name fell with it.

These matters being arranged, Mr. Denman returned to New Jersey, and the other parties came to Fort Washington; and in the fall of that year, Colonel Ludlow commenced laying off the town of Cincinnati. At that time, he run and staked out, the donation lots, according to the plan agreed on, and probably some others contiguous; but the principal part of the plat was left unsurveyed, until the next season. A year or two after the town was established, and before it had risen much in value, Denman sold his proprietory right to Joel Williams. Soon after, Colonel Patterson sold out to Samuel Freeman. Subsequently, Freeman sold to Joel Williams, who thus became the owner of two undivided third parts of the property, not previously sold to individuals.

In some late publications, there seems to be a misapprehension, as to the original price of the land, on which the city stands. It covers a section and a fraction, containing between seven and eight hundred acres, for which Denman paid to Judge Symmes, the government price, which was five shillings per acre, in continental certificates, then worth in specie, five shillings in the pound; though within two years thereafter, they rose to par value. Estimating them at par, the land cost five hundred dollars. At their specie value in the market, it cost one hundred and twenty-five dollars.

Before I close this letter, let me comply with that part of your request, which relates to the ancient works found at this place. You are already apprised, that when I first came

here, the town had advanced but very little from a state of nature. The surface of the site, on which it stands, was undisturbed, except where some rough houses, and humble cabins had been erected, to shelter its inhabitants. The works referred to, were in a perfect state of preservation, though depressed in height, by the natural causes which had operated on them for ages. Within the limits of the town, as originally laid out, there were two large circles, one near the eastern boundary, and the other in a western direction, near the centre of the plat. The former, though sufficiently distinct to be traced, was not as elevated, or as perfect as the other. It was about the same diameter, and was uniform in its curvity. The circle near the centre, passed through the block which I owned, south of Fourth, and between Vine and Race streets. It was an exact circle, about six hundred feet in diameter. The earth which composed it, had been gradually washed down, till its base had spread about twenty-five feet, and its apex was reduced to about eight or ten feet above the plane of its base. On the north side, near Fifth street, there was an aperture, ten or twelve feet wide, and there might have been another, which has escaped my memory. The arc within my enclosure, subtended by a chord of about three hundred feet, was preserved with care, while it was in my possession. On that part of it, I am confident, there was no break, or opening. These works were entirely on the upper level of the town-plat, and did not approach the break of the hill, nearer than four hundred feet. About one hundred and fifty rods, west of the circle last spoken of, stood a beautiful mound, thirty-five or forty feet high, constructed with great exactness, and standing on a base unusually small, compared with its height. When the army under the command of General Wayne, was encamped at this place, in 1792–3, he had a sentry-box on its top, which commanded an entire view of the plain. In the neighborhood of this structure, two or three smaller ones were standing, which were found to contain human bones, as is the

fact with regard to most of them. Besides these, there was another of a medium size, compared with the others, standing on the brow of the hill, about mid-way between the circles, and in advance of them, in the direction of the river, about three or four hundred feet. By digging down, and grading Main street, this structure was entirely removed many years ago. While that process was going on, many articles which it contained were found, some, if not all of which, were probably deposited there, after the country had been visited by Europeans. Among them were marine shells, pieces of hard earthern-ware, a small ivory image, finely wrought, of the Virgin Mary, holding an infant in her arms, which had been much mutilated; also, a small metallic instrument, complex in its construction, much corroded and decayed, and supposed by some, to have been intended to ascertain the weight of small substances. The skeleton of a man was also found, under its apex, a few feet below the surface, contained in what might be called a coffin, composed of flat stones, so placed on all sides, as to protect the body from the pressure of the earth. Other discoveries were made, which my memory does not retain, with sufficient accuracy, to enable me to describe them.

You have made a particular request for information, relative to the stumps which were found in my well. I have seen in print, several exaggerated statements, professing to describe their appearance, and the situation in which they were found. One writer has said, that they had evidently been cut, by a metallic instrument—that the marks of an axe were visible, and that chips, in a state of perfect preservation, were found on, and near them. Another has stated, that the rust of iron was seen on the stumps; and a third has affirmed, that an axe was found near them. Neither of these statements is true. The facts are simply these, that in sinking a well, in 1802, within the circular work above described, at the depth of ninety-three feet, I found two stumps, one about a foot, and the other eighteen inches in diameter, standing in the position

in which they grew. Their roots were perfectly sound, and extended from them, horizontally, on every side. Their tops were so decayed and mouldered, that no opinion could be formed, as to the process, by which the trunks had been severed. The surface of the earth, at the place where they were found, is one hundred and twelve feet above the present low water mark of the Ohio, according to the level of Joseph Gest, city surveyor. They could not have been brought there by a current of water, because their upright position, and the regular, horizontal extension of their roots, proves, that they must have grown on the spot, where they were found. There is another fact connected with this matter, worthy of notice. Prior to the time of digging the well, I had never seen a mulberry tree, growing on, or near, the premises; though they were found in the neighboring forests: yet, the next season, they sprang up wherever the excavated earth had been spread, in such numbers, as made it necessary to destroy them, and they continued thus to shoot up, for several years, though not one, made its appearance, on any other part of the lot. This fact induced me to conclude, that the stumps, or at least one of them, was of the mulberry kind; and it may give rise to much speculation, as to the producing cause of trees, and shrubs generally. In the Mosaic history of the creation, we are informed, that on the third day, God said, "let the earth bring forth grass, the herb yielding seed, and the fruit-tree yielding fruit, after his kind, whose seed is in itself." The question may be here asked, how far are the facts above stated, accounted for, in this quotation, the authority and verity of which, will not be doubted? When the vegetable products of the earth were spoken into existence by the Creator, he unquestionably ordained the means, by which they were to be perpetuated, or re-produced; and it would seem, that those means ought to be found in this extract; though it may be difficult to comprehend the manner in which they operate.* Would it be

*See note at the end of the letter.

unreasonable to suppose, that each variety of tree and plant, was originally indued with some quality, virtue, or active principle, peculiar to itself, which, when commuicated to the earth, and exposed to the action of sun and air, produces the germinating cause, indicated by the phrase, "whose seed is in itself," and that this agent, be it what it may, can exist unimpaired, in a dormant state, for an indefinite period, if it be kept from the influence of the sun and air? It may throw some light on this subject, to state, that when the town was laid out, the appearance of the forest indicated, that the surface of the earth, had undergone no material change, probably, in five hundred years; as it exhibited the remains of trees, which had matured, decayed, and fallen, by the side of others still flourishing, and giving evidence, that they had been growing some centuries. The stump which was supposed to be mulberry, must have been in the situation, in which it was found, (ninety-three feet below the surface,) for an equal period of time, and yet, when the earth about its roots, was spread on the surface, where no mulberry tree existed, young mulberries immediately sprung up in great numbers. May it not be inferred from this, that the earth about the roots of a tree, impregnated with the virtue, or principle, before mentioned, and suddenly covered sufficiently deep, to shut from it, all action of light, air and heat, may continue in that state many centuries, and when afterwards brought to the surface of the earth, may produce the same kind of tree, which formerly overshadowed and communicated to it, a re-producing power? I do not assert this hypothesis, or pretend to account for the facts stated, though I insist, that they do not conflict with the scriptural record of the creation. The discovery of these remains, however, establishes one point, most conclusively, viz: that the site of Cincinnati is alluvial, and that the surface of the earth, where the city stands, was once, at least ninety feet below its present level.

The question has often been asked, without receiving a

satisfactory answer, from whence, or by what agency, was this alluvion brought to the place it now occupies? Did it come from the immediate vicinity, or from a distance? The place, in which it is found, is washed on the south by the Ohio river, and on the east, north and west, except the gap, through which Mill creek passes, is enclosed by very high hills, so connected with the adjoining lands, as to show, that they have not undergone any great, sudden alteration, since their original formation. Their form and elevation is such, as to indicate, that they did not furnish the materials, with which the valley has been filled up; and as it is evident, the deposit was not made by the Ohio river, the phenomenon, may probably, be accounted for, by assuming, that the Big Miami, which now connects itself with the Ohio, twenty-one miles below Cincinnati, once came down the valley, through which Mill creek now passes, to this place, and that the deposite in question, was made by the agency of that stream, whether suddenly or gradually, is a question for the geologist to settle. The surface of the country, presents no objection to this hypothesis, as will appear from the fact, that this valley connects itself with the Miami, in the neighborhood of Hamilton, and that there is now a large pond, a few miles below that place, from which the water passes, by a descent, imperceptible to the eye, through Pleasant run, to the Miami, and by Mill creek, to the Ohio, at this place. Immediately above Pleasant run, east of the present channel of the river, there is a bayou, through which it must formerly have run. Although it has been measurably filled up since I first saw it, to prevent its bad effects on the health of the adjacent country, yet at the first settlement of the Miami purchase, as appears from the field notes of the original survey, it resembled the river so perfectly, that the surveyor, in running one of the meridians, west of this place, on striking it, near Fort Hamilton, believed it to be the Miami—terminated his line, and reported accordingly. But having no disposition, myself, to speculate

on, much less to settle such grave questions, I will only say, *non nostrum inter vos*, etc.

In connection with these facts, it may be proper to state another, of the same character. Mr. Daniel Symmes, when sinking a well, in the eastern part of the town, found a log, quite sound, at the depth of twenty-four feet below the surface. This was also on the upper level, or bench of the town. At the place where this fossil was found, the surface of the ground is much lower than it is at the well first mentioned, being only eighty-one feet above low-water mark in the Ohio. Similar discoveries have been made, in various parts of the city, at greater distances from the river, furnishing proof, that the entire plain, from the Ohio to the hills, is a deposit, covering what was formerly the surface of the earth.

Very respectfully,

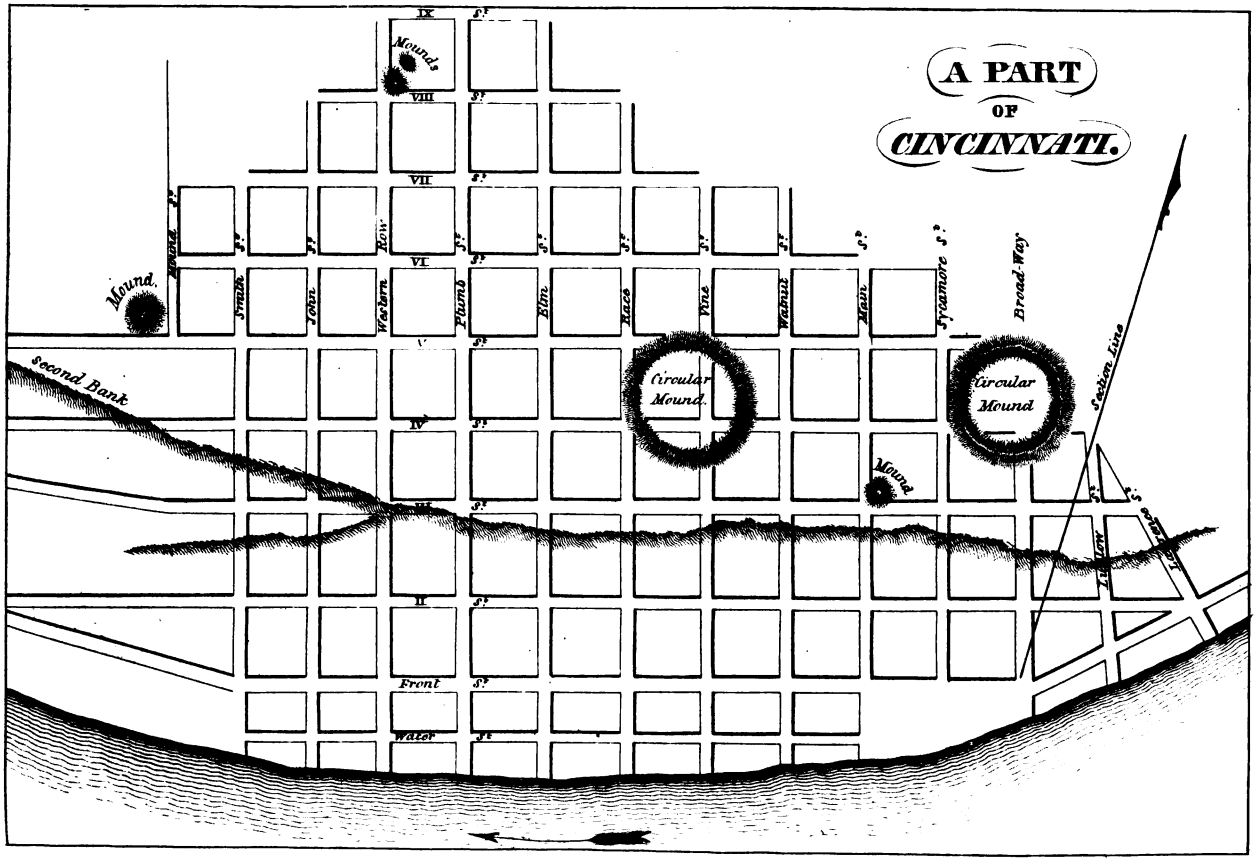
J. BURNET.

J. DELAFIELD, JR.

NOTE.

There is a display of beauty and majesty in this chapter, (Genesis i.) which is in perfect keeping with the subject, on which it treats. No intellectual reader, can fail to see and feel its sublimity: "And God said, let there be light, and there was light." The grandeur of this idea, clothed in the most simple language, makes it, what writers of taste, in all ages, have denominated, the true sublime. Longinus, the learned critic of Palmyra, though a heathen, has quoted it, as the most perfect specimen of sublime writing, he had ever seen.

The ideas recorded in the chapter, we know, are inspired, and one can almost believe, that the language in which they are expressed, came from the same divine source. But, such a conclusion, would be at variance with the opinion of the best commentators; and, if universally applied to the inspired writings, might produce difficulties, resulting from an incorrect apprehension, of the meaning attached to words, by the inspired writers—from errors in translation, and from the change, which takes place in process of time, in the meaning of the same words.


A PART
OF
CINCINNATI.
IX
VIII
VII
VI
V
IV
III
II
Mounds
Mound
Mound
Smith
John
Western Row
Plumb
Elm
Race
Vine
Walnut
Main
Sycamore
Broad-Way
Second Bank
Circular Mound
Circular Mound
Mound
Section Line
Front
Water

Although the Egyptians, had made considerable advances, in the science of astronomy, in the days of Moses, who had been instructed in all the literature of Egypt, yet, compared with subsequent discoveries, that science was in its infancy. The most cultivated of the human family, at that period, knew but little of the heavenly bodies, or of the laws, which keep them in their places, and regulate their movements; nor was the influence understood, which the sun exerts on the solar system, nor did they understand the power, by which the planets act, on each other. Moses, being required to record the revelation, was under the necessity of doing it, in such language, as his scientific acquirements enabled him to employ. It was not deemed expedient to inspire him with a knowledge of astronomy; and with the limited skill, he possessed in that science, it was not possible to record the facts, as a perfect astronomer might have done. He has therefore given them, in the concise, simple, but beautiful language, in which we find them. The operations are related, as far as he could comprehend them. No attempt is made to explain, or describe the mutations of the matter, which composes the sun, earth, and planets, in the process of transforming it from chaos, to the organized state, in which it now appears. During this process, the particles of light were collected — earth and water were separated — a firmament was produced, probably by removing the chaos which had previously filled the space — atmospheric air was formed, and thrown around the earth — yet, no explanation is given of the means, by which these results were brought about. Why was it so? Simply because it seemed good, in the sight of the Almighty, to confine his revelation to the fact, that by his own power, he created and organized the solar system, by progressive movements, in the space of six days. His chief object, seems to have been, to give publicity to the great truth, that he alone, is the creator of the heaven and the earth—that he formed and fashioned them, by his own might, after the counsel of his own will.

This being proclaimed and known, the object of the revelation was accomplished. It seems, that Moses was neither commanded, nor inspired to instruct the world in philosophy or astronomy. The object of his revelation, was of a different character. It was to convince men, of the majesty and power of their Creator, not to enlighten them, as to the means by which he accomplishes his purposes. It was to reach the heart, rather than the head, and to hold men to their allegiance to heaven, by the influence of confidence, veneration, and fear.

The first and second verses, describe the condition of the chaotic mass, out of which, God organized the solar system, as it was, at the time, when he commenced that work. They affirm, that it was without form and void, and that darkness was upon the face of the deep; and being in that situation, we are told— "the spirit of God moved on the face of the waters." The

terms here used, are well selected to represent, a confused mixture, of all the varieties of matter, found in the solar system, existing in a semi-fluid state. It is said to be *without form, and void*—it is called *a deep*, covered with *darkness*, and is spoken of, as *waters*. These expressions could be correctly applied, only to a chaos of matter, in a state of partial fluidity. It might have resembled that, which is attached to the *nuclei* of comets, which is so attenuated, that fixed stars have been seen through it.

This chaos, occupying the entire space, through which our planets revolve, and, probably extending to an immense distance beyond the orbit of the most remote of them, was the material, out of which the solar system was formed. The expressions used, indicate that the matter, referred to, had been spoken into existence, by the Almighty, anterior to the work of creation; which is described, as having been finished in six days, after the spirit of God had moved on the face of the waters. The verses now referred to, do not seem to be susceptible, of any other interpretation; inasmuch as they affirm, that in the beginning, God created the heaven and the earth; meaning evidently, the matter out of which they were organized. They then describe, the disordered condition of that matter, when the spirit of God moved upon it; and, as this movement preceded the work of creation, described in the succeeding verses, the existence of the matter, on which it was made, must also, have preceded it. This view is strengthened by the fact, that the subsequent verses, nowhere speak of the creation of matter out of nothing. They all relate to its organization; taking it for granted, that God had brought it into existence by his omnipotent power, before he began to organize it.

The first two verses, seem to be an exordium, or introduction; intended to show, what the Creator had done in the beginning. When the beginning was, we are not informed. It might have been myriads of ages, before our system was organized—possibly, though not probably, from all eternity. Be this as it may, the inspired pen, which recorded the history of creation, has written it down, in terms which cannot be mistaken, that the matter composing our system, was created, before the earth was formed into shape, and before the sun, moon, and stars, were placed in the firmament.

Having given a description of what had been done, he proceeds to state the movement made by the spirit of God, on the face of the waters, at the beginning of the first day; after which the work of that day was commenced, by the mandate, "Let there be light." The order was obeyed—a separation was made between light and darkness, and each received its appropriate name. It is a natural conclusion, that light was produced by the formation of the sun, and that after the division of light from darkness, and the giving of their names, the work

of the first day was finished, as it is then said — "The evening and the morning, were the first day."

There is nothing contained in the words of the command, which necessarily leads to the conclusion, that the particles which compose the sun, were created at that time. The command was, that there should be light. On the supposition that the matter of which the sun is composed, was diffused through the entire mass of chaos, created in the beginning; the order of the Almighty would be literally obeyed, by collecting the elements of the sun, from all directions into one body, in the centre of chaos. But whether this hypothesis be sustained or not, there is reason to believe, that the sun, the source of light, by some process, was completed in the first of the six periods, denominated days. It is probably a matter of little moment, what was the duration of that period, because with the Deity, "one day is as a thousand years, and a thousand years as one day." The command might have been instantly obeyed. The particles which compose that body, might have rushed suddenly to the centre of chaos, now the centre of the solar system. That orb might have been formed in a moment, and might instantly have thrown out his light upon the surrounding darkness. The text may bear that construction; and irrespective of knowledge, derived from other sources, perhaps no expositor of the Bible, would feel disposed to give it any other interpretation. But it is difficult to perceive a reason, why it may not receive a different construction, with equal propriety, and in perfect consistency with the verity and fidelity of the revelation. In the Almighty mind, there is no such thing as past, present, and to come—it is one eternal now. All portions of time are as points, whether days or months, or thousands of years. He might have created the universe in a moment, by his own immediate agency, without intervening causes, as well as to have accomplished it in six days. But he chose not to do so. He saw proper to make it a progressive work, and to complete it, in different successive periods of time. As has been intimated, the duration of those periods would seem to be a matter of little moment; while the truth of the history is acknowledged and believed. The purposes of the revelation are equally gained, whether you consider the days spoken of, as periods of twenty-four hours, or periods of much longer duration. On the first supposition, there is a difficulty not easily obviated. The evening and the morning, had completed the first and the second days, before the earth was brought into shape, or could have made a revolution on its axis, by which our days are now measured. Of course, three of the periods must have passed before that measurement of time existed. If the language used by Moses, must be taken in its strict, literal sense, how, it may be asked, could there be an evening and a morning, as we now understand these words, till the sun was created, and the earth put in motion in its orbit? Let him who contends for the literal meaning of the word day, as it is used

in this chapter, and insists that it must necessarily mean a period of twenty-four hours, and no more, look to the consequences. Let him pause and reflect whether he does not arm the enemies of revelation with a weapon, not easily to be parried. How would the friends of the Bible succeed, in defending it against the attacks of infidelity, were they to maintain the principle of literal construction throughout? Large portions of it, are necessarily admitted to be figurative, and receive all their application and force, from that admission. What would be the interpretation of the seventy weeks of Daniel, if the term week should be taken in its literal meaning? All commentators agree, that it means a much longer period, than the word expresses, according to its popular acceptation.

Why then should this rule of interpretation be rejected, in the present case, and the difficulties alluded to, be encountered, when they may be obviated by enlarging the period denominated, a day? If this license can be taken, the whole work of creation may have been completed in the order recited by Moses, by the power of the Almighty, operating by laws, which he had ordained; calculated to produce the results which he intended, and which were actually produced, in obedience to his will. This hypothesis does not impinge on the verity of the Mosaic account, and most certainly, it does not detract from the infinite power of the Creator. Does it not rather give a more exalted, as it does a more intelligent idea of his majesty and glory? There is something sublime, in the contemplation of such a union of power, wisdom, and foresight, as must be brought into exercise, by a being who can ordain laws, operating through all space, producing, in exact accordance with his will, such stupendous results, as we see displayed in our planetary system. The fact, that those laws accomplished the purpose of him who ordained them, by slow progressive action, so as to consummate the intended results, in the course of many ages, detracts nothing from the character of their Divine Author. On the contrary, it exalts and magnifies it. As far as the attributes of Deity are involved, as far as the grandeur, of the Divine character is concerned; the conception of producing these stupendous results, by the influence of unerring laws, silently operating for ages unknown, so precisely formed as to produce in the end, the exact result, predetermined by their Author, must, if such a thing be possible, excel the glory of speaking them into being instantaneously, by Omnipotent Power.

There is a grandeur in the conception of an immense mass of chaos, filling the vast space occupied by our solar system, and reaching far beyond it, created in the beginning out of nothing; reduced to order and beauty, by the steady operation of laws, ordained by the same Omnipotent Being, who first created it. And when it is considered that the same laws, which formed from chaos, the beautiful system of orbs, we now behold, cause them to move in perfect harmony; who can withhold adoration from him, who made those laws, and gave them all their efficacy!

As far as the attributes of the Great Creator are involved, will they be diminished by a supposition, that he chose to operate by the instrumentality of principles, ordained, and made effectual, by his own wisdom and power? The means by which he saw proper to organize these bodies—to place them in their proper orbits, and perpetuate their regular movements, were of his own choosing. All that is here contended for, is, that his attributes are equally illustrated, whether he accomplished it at once, by the power of his word, or brought it about in process of time, by intermediate causes, ordained by himself. When the command was given—"Let there be light," might not the laws of gravity and attraction, or some other law of the Deity, not yet discovered by philosophy, have commenced its process of obeying the mandate, by causing the particles of light, or of the substance, which composes the sun, to move through chaos to its centre, and there to form the glorious orb of day? And if this had been the process, would any attribute of the Great Creator have been affected, by the duration of the period, in which it was accomplished? Reason and devotion will answer, no.

According to the Mosaic arrangement, the production of the sun was the first great work, in the formation of the solar system. When this body was formed in the centre of chaos, might it not have been kept in its place, by the counteracting influence of attraction, operating from every direction; and might it not have exerted an influence, given it by the Creator, in repelling the surrounding particles of matter from itself, by which a firmament might have been formed, in the midst of the waters, or chaos, dividing the waters from the waters, or chaos from chaos, and separating those, which were under the firmament, from those which were above it? To a person on our planet, the aptness of this figurative language, will be apparent. The chaos which was repelled from the sun, in directions from the earth, or, as to us, upwards, would be considered as above, and that which was driven in a direction towards the earth, out of which it might have been formed, would be considered as below the firmament. This process occupied the second period, called a day, and might have been accomplished without, or with intermediate causes. If the former, it might have been done in the twinkling of an eye, leaving an interval of time between it, and the issuing of the next command. But if the laws of nature were put in operation, for the purpose, the period might have been long.

On the third day, our earth was made. The portion of chaos, appropriated by God for this purpose, we may suppose, was put in motion, and the particles which compose it united around a centre, so as to give it its form and shape. By this operation, the minute particles of earth would come together by attraction—those of water would be separated from them, and thus the surface of the globe would exhibit dry land and water. The former, God called earth, and the latter, he called seas. After this, the vegetable

products were brought into being; and the laws by which they were to be perpetuated or re-produced, were established, as the sacred historian informs us. This process completed the third period.

The discoveries made by geological research, favor this hypothesis. They present to the scientific and philosophic eye, strong indications, that the period occupied in the formation of our globe, must have exceeded, very much, the short duration of one revolution of the earth on its axis, which is now denominated a day. As the devotees of physical science examine the surface of the globe, and penetrate its interior, in search of knowledge, they find that the strata which lie in the vicinity of its surface, contain remains of almost every variety of organized being, noticed by the sacred historian; indicating by their relative positions, that they were formed in the order of time, in which he has stated. But they allege, that to apply them as supplemental proofs, of the verity of the Mosaic account, it is necessary to enlarge the period in which they were matured, from hours to ages. With this enlargement, some have supposed that the truth of the revelation is placed beyond the reach of scepticism. On this subject I offer no opinion. My object is to invite the attention of the friends, and defenders of christianity to the importance of investigating these discoveries, and the indications they present. In doing so, it may be important to enquire, whether the whole process of organizing the earth, and the planets, after the sun had been formed, in the midst of chaos, as the centre of the system, might not have been effected by the gradual operation of laws, ordained for that purpose; and whether such an hypothesis would conflict with the spirit and meaning of the sacred historian.

In the commencement of the fourth day, God said—"Let there be lights in the firmament of heaven, to divide the day from the night." In obedience to this mandate, the heavenly bodies belonging to our system were formed, and set in the firmament of heaven, to give light upon the earth. Might not all these bodies have been created simultaneously, in the places they occupy, out of the chaotic matter, repelled in every direction from the sun, when the firmament was made; and might it not have been accomplished by the power of the Almighty, operating by influences, brought into existence for the purpose? If this supposition does not conflict with the inspired narrative, there seems to be plausible reasons for adopting it. These reasons are suggested above, and need not be repeated.

At the close of this period, denominated the fourth day, we have the whole solar system completely finished, and every planet moving harmoniously, in its own orbit, around one common centre. Divines, as well as philosophers, admit that as soon as these movements began, the Deity ceased the exercise of his immediate power, and left the planets to be moved and guided by the laws of nature. Who will say, that he could not have em-

ployed the same laws to form the system, and set the bodies which compose it, in motion? We know that his laws are sufficient to keep, not only our system, but the universe, in harmony and order. Surely, then, they must have been sufficient to execute his will, in reducing chaos to order, after he had created it, by a direct exercise of Omnipotent power, and placed it in a situation to be operated on by them. In either case, the ascription of praise and glory, to the power and majesty of the Great Supreme, would be the same. Why then should the friends and defenders of revelation, feel alarmed at the suggestion, that after the Deity had created matter out of nothing, he ordained laws so to operate, as to reduce it to form and to system? And why should it be thought strange, that he so arranged those laws, as to require a succession of ages, to complete their work? The limited minds of puny mortals, are not sufficient to comprehend the movements of Deity. We are told of his attributes, but we cannot realize their scope. Although the creation of the world, and of the system to which it belongs, have been revealed by an inspired pen, how much of the detail can we understand? The powers of the narrator were too feeble, either to apprehend, or explain the *modus operandi* of Omnipotence, in his stupendous work of creation. He tells us, that God commanded, and it was done; but how, or in what manner the mandate was obeyed, he was unable to explain.

The same reflections are applicable to the work accomplished on the fifth day; in which the waters were made to bring forth, abundantly, the moving creature that hath life, and in which every winged fowl was formed after his kind. They apply also, to the labos of the sixth day, in which God made the beasts of the earth, and cattle, and every thing that creepeth on the earth; and last of all, man, whom he created in his own image—"In the image of God, created he him, male and female, created he them."

ERRATA.

☞It is proper to correct a mistake, carelessly made, on the 15th page of this letter. It is there stated, that under the organization of the territorial government, in 1789, Rufus Putnam was appointed a judge of the general court, in place of William Barton. He was appointed to the vacancy occasioned by the death of Judge Parsons. George Turner, Esq., was appointed in place of Mr. Barton, who declined to accept.

Page 12, line 19th from the top, for *vice* read *vices*.

LETTER II.

CINCINNATI, OCTOBER, 1837.

MY DEAR SIR:—IT is stated in my former letter, that I came to reside in this place in the year 1796. At that time the North-western Territory, so named by Congress, included the three northern states on the Ohio river, together with Michigan and the Ouisconsin Territory. The Governor had established four counties, each of which was sufficiently large to form an independent state. He had given them the names of Washington, Hamilton, St. Clair, and Knox, in honor of the distinguished patriots of the revolution, whose names they bore, and who probably stood on the scale of merit, in the order in which they are named. The seats of justice for these counties were established at Marietta, Cincinnati, Kaskaskias and Vincennes. Early in 1796, the British government surrendered the northern posts, in pursuance of the treaty of 1793, to General Wayne, who had been appointed for that purpose. Immediately after that important event, the governor established the county of *Wayne*, selecting that name as a compliment to the brave chief, whose victory in 1794, at the rapids of the Miami of the lake, had unquestionably hastened the surrender. At that time it was known, that General Wilkinson, the second in command, harbored great enmity against the commander-in-chief, and that he had been concerting measures to procure his removal, under an expectation of succeeding him. This accomplished officer was the most fascinating man, I remember to have seen. To the easy and graceful deportment of a polished gentleman, he united the ambition of Cæsar, and the self-confidence of Napoleon. He was therefore well qualified to undermine his open-hearted commander; and to render his situation unpleasant, if not perilous. He had gained the

confidence of many of the officers of the army, and had enlisted some of them in his project. He had filed against General Wayne, in the war department, a schedule of charges, of such a character, as made it necessary to meet and refute them. For this purpose, after he had received the posts, and completed the arrangements necessary to sustain them, he sailed for Erie, on his way to the seat of government; but unfortunately for his country, though not so for his accuser, he was seized with a violent paroxysm of gout in the stomach, on shipboard; which terminated his life, before the vessel reached her destined port. He was buried at Erie, from whence his remains were removed by his son, many years afterwards.* Had he lived, it was the prevailing opinion, that he would have brushed away these charges from his character, with as much ease, as he could have removed as many cobwebs from his clothing, and that this project would have shared the fate of the one, in which its author engaged, with Gates, Conway and others, against General Washington, in 1777. But I am digressing.

The seat of government for the county of Wayne, was established at Detroit, which was then a garrison-town, compactly built, on very narrow streets, and completely enclosed by pickets. It was defended also, by a fort on the north, and by batteries on the margin of the strait. The citadel, a spacious edifice, with an esplanade in front, erected for the accommodation of the commandant and his suit, was within the pickets. At that time, Detroit was the principal depot of the fur trade of the north-west, in which many English and Scotch merchants were engaged. It was, of course, a place of great business. These merchants, who were embarked in an enterprise requiring extensive capital, and attended with great hazard, realized in some seasons, very

*It is a remarkable fact, that when the body of the General was disinterred, after a lapse of some fourteen or fifteen years, the flesh was so sound and firm, that it could not be severed from the bones without the use of the knife.

large profits, and in others, sustained proportionate losses. Feeling themselves rich, at the close of a successful year, and apprehending a reverse at the termination of the next, their minds and feelings seemed to be formed by the uncertainty of their pursuits. Like men disposed to enjoy life, when it might be in their power to do so, they provided in great abundance, the delicacies and luxuries of every climate; and as often as they returned from their dreary excursions, into the cold regions of the north and west, to their families, and their comfortable homes, they did not spare them. Scarcely a day passed, without a dinner-party given by one of them, at which every variety of the finest wine, and beverage, and the choicest viands the country afforded, were served up in great profusion. No genteel stranger visited the place, without an invitation to their houses, and their sumptuous tables; and what is remarkable, they competed with each other, for the honor of drinking the most, as well as the best wine, without being intoxicated themselves; and of having at their parties the greatest number of intoxicated guests. This kind of revel was kept up, during the season they remained with their families, as an offset to the privations of the wilderness, which they endured the greater part of the year. After the fort at Detroit was surrendered, I attended the general court at that place, every year, and was a guest at many of their feasts. Of course, I repeat only what I have seen, and describe what I have participated in. At one of those sumptuous dinners, given by Angus McKintosh, the bottom of every wine-glass on the table had been broken off, to prevent what are called heel-taps, and during the evening many toasts were given, which the company were required to drink in bumpers. Being myself, at that time, in very delicate health, I was relieved from the obligation of the rules of the table, and allowed to eat and drink, as it suited my taste and judgment. That privilege was accorded to me most cheerfully, as it was known that without it, I could not have participated in their hospitality.

Prior to the year 1803, at which time, I ceased to practice at Detroit, most of the British merchants had removed to their own side of the strait, and established themselves at Sandwich. After this removal, the court being in session on the 4th of June, his Majesty's birth-day, the officers of our garrison, with the principal citizens of the town, and the court and bar, were invited to attend the celebration of that anniversary, at Sandwich. As you will naturally conclude, the invitation was accepted, and about a hundred Americans crossed the river, and joined in the festivities of the day and evening. A building not then finished, had been so prepared as to enable four or five hundred persons to sit at the tables, in one apartment. The entertainment was splendid — the loyality of his Majesty's subjects was displayed, by every expedient in their power. They vied with each other to honor his name and exalt his character. During the whole evening, much deference was paid to the feelings of their American guests. Next to the King, the President of the United States was drank, and among the subsequent toasts, many were given complimentary to our country, and her distinguished men. By pursuing this liberal course, not the least animosity or bad feeling was excited, and although more wine was drank, than I have ever witnessed on any other occasion, yet, about midnight, the party separated in harmony, and mutual good feeling. The American garrison, then stationed at Detroit, consisted of two regiments, commanded by Colonel Strong, who in consideration of his responsibility, and probably to relieve a greater number of his officers from duty, declined to be a guest at the festival, and remained at his post.

At this party, the court and the bar became acquainted with the British officers, stationed at Fort Malden, and received from them a pressing invitation to visit the garrison, and spend a night at their quarters. At the same time, the Captain of the John Adams, one of the armed vessels of the United States, whose name has escaped my memory, politely offered

to convey us to Malden, and from thence to Maumee. These invitations were accepted, and as soon as the court had finished the business of the term, we sent our horses by land, to meet us at the foot of the rapids, and embarked for Malden. Captain McMullen, the commandant, received and entertained us with great hospitality. He gave us a fine supper, good wine and excellent beds. In the morning, after breakfast, we took leave, and returned to the brig. At that time, this fort was in a very unfinished state, and no material or preparation was discovered for completing it. We were told, however, that preparations were in progress, and that it was the intention of the government, to put the works in a complete state for defence, without delay.

Early in the afternoon, the brig cast anchor in the entrance of the Maumee bay. The barge was let down, and manned. Having taken leave of the officers, we got into it, and in a few hours were landed at the foot of the rapids. We had a delightful passage, and at the same time, we escaped the misery of wading through the deep mud, of the Black Swamp, on the river Raisin. The residue of our homeward journey, presented nothing unusual.

In each of the organized counties, courts of common pleas, and of general quarter sessions of the peace were established. A general court of civil and criminal jurisdiction, had also been created, consisting of three judges, who received their commissions from the President of the United States, and their salaries ($800,) from the national treasury. This was the highest judicial tribunal in the territory. It possessed both original and appellate jurisdiction, but had no chancery powers, except in cases of divorce and alimony. It was a tribunal of *dernier resort*. Its decisions were not liable to be revised or reversed, even in the supreme court of the United States, while it possessed the power of reviewing and reversing the proceedings of every other tribunal in the territory. It was held at Cincinnati and Marietta, in the months of March and October, and at

Detroit, at such time, in each year, as the judges saw proper to appoint. They, in conjunction with the governor of the territory, were constituted a legislative body by the ordinance of 1787. They were vested with power to adopt any law, civil, or criminal, of either of the original states. It was their duty to report all laws so adopted, to Congress, which, if not disapproved of by that body, were to be in force throughout the territory, until the organization of the general assembly, provided for by the ordinance.

If any person will take the trouble of collating the laws which they adopted, from time to time, with the statute books from which they were taken; he will find that in most instances, they not only altered the substance materially, but in many cases, adopted very little more than the title of the act, supplying the body of it as suited their purpose. According to the construction which they gave to the ordinance, the restriction on their power was of but little use. The propriety of this course, was often canvassed by the bar, and a disposition existed to test its validity. Why this was not done, I cannot say. It is my impression, however, that as Congress did not disapprove of the laws, and the question of their constitutionality, would be tried and decided, by the legislators themselves, the hope of a successful result was too faint to justify the undertaking. The consequence was, that all the laws promulgated by that *quasi* legislature, were treated as constitutional by the bar, were recognized as such by the judicial tribunals of the territory, and continued in force, till they were confirmed, repealed, or amended and adopted by the legislature, organized for the second grade of territorial government. The governor, who was associated with the judges in the adoption of these laws, remonstrated against the course which was pursued at the time; and afterwards, in his first address to the territorial legislature, in 1799, called their attention to the subject, and recommended such legislation, as might be thought necessary to legalize the proceedings, or to remove any doubts that might exist, in reference to it.

If you look at the map of the territory, and ascertain the situation of the seats of justice, in the several counties, as they existed at that time, and consider that the country was then an unbroken wilderness, without roads, and destitute of a white population, except in the immediate vicinity of the county towns, you will be ready to conjecture, that the legal business of each county, was transacted by such professional men, as resided in it. Such, however, was not the fact. From the year 1796, till the formation of the state government in 1803, I attended the general court at Cincinnati, Marietta and Detroit regularly, and never missed a term during that period. The jaunts between those remote places, through a wilderness country, in its primitive state, were attended with exposure, fatigue and hazard. We generally traveled in parties of two or three, or more, and took a pack-horse to transport such necessaries, as our own horses could not conveniently carry; for no dependence could be placed for supplies on the route. Though we frequently passed through Indian villages, they were too poor to afford assistance. Sometimes we could purchase from them small quantities of corn for the use of our horses, but even this relief was not to be depended on.

In performing these journeys, either in summer or winter, the traveler was compelled to swim every water-course in his route, which could not be forded. The country being destitute of bridges and ferries, as well as roads, we had to rely on our horses, as the only substitute; and it sometimes happened, that after swimming a stream covered with floating ice, we had to encamp on the ground for the night. This consideration made it common for a person, when purchasing a horse, to ask the question, whether he was a good swimmer; which was considered one of the most valuable qualities of a saddle horse. I recollect, in the fall of 1801, on my return, without company, from the general court at Marietta, it rained almost incessantly, during the whole journey, which subjected me to the necessity of swimming four or five times on my horse,

once at White-oak, with evident peril of life. That stream was higher than I have ever seen it before, or since. The bottom on the east side, was entirely covered with water. When I came to the edge of it, I paused for some time, to ascertain, whether the water was rising, or falling; on being satisfied of the former, I determined to proceed. For the purpose of keeping my papers dry, they were taken from my saddle-bags, and tied behind me on the top of my cloak. The opposite bank was a bluff, having a narrow way cut down to the creek, where the path crossed it, for the use of travelers. After estimating the velocity of the current as well as I could, by the motion of the drift-wood, for the purpose of deciding how far I should enter above the landing-place, in order to strike it, I put in with the head of my horse a little up-stream, he however chose to steer for himself, and made directly for the landing. Being a fine swimmer, he struck it at the lower point, so as to enable me to grasp a bush, by which I was able to assist him, in extricating us both from the threatening danger. I rose the bank with a light heart, and proceeded on my way to Williamsburg, where I swam the East-fork, rather than wait for a canoe from the opposite side. The next morning I swam it again, near where Batavia now stands, and the same day arrived safely at home.

Exposures of a similar nature were constantly occurring. Let me give you one more. In the fall of 1800, I traveled in company with four or five of the Cincinnati bar, (Mr. Sibley, of Detroit, being one of the number,) from this place to Marietta, for the purpose of attending the General Court. When we came to the Hocking river, we were told there was a path leading from the college township, in which Athens now stands, directly to Marietta, which was nearer and better, than the route to the mouth of that river, which we had been accustomed to take. Though it was near sun-set, when we came to the fork, we resolved to take it. As long as daylight lasted, we succeeded very well, but that aid

soon left us — night came on, and it was so extremely dark that it was impossible to keep the path. A halt was called, and a proposition made to stop and encamp. The majority, however, determined to proceed, and that one should dismount, and lead the way, relying on his feet principally, to ascertain and keep the path. This plan was adopted, and we went on, very slowly, as you may suppose. About two o'clock in the morning, I was in front, leading my horse, when, suddenly, I stepped down a precipice, about four feet —my horse was frightened—drew back, and prevented me from falling, till my companions came and assisted me up. We then found, by the sense of feeling, that a little in the rear of where I fell, the path turned to the left, at a right angle, and went down a sideling precipice, some fifty or sixty feet, to a creek, which proved to be Wolf creek. On the opposite bank, we found, by the barking of dogs, an inhabited cabin, into which, after many entreaties, and repeated assurances, that we were honest, peaceable men, we were admitted, and sheltered for the residue of the night. The next morning, a ride of twelve miles took us to Marietta. Myself, and one or two others of the party, returned home by the same route. When I came to Wolf creek, and discovered that in a few feet of the precipice, from which I had stepped in the dark, there was another, almost perpendicular, to the bed of the creek, and saw the tops of the trees immediately below the spot on which I stood, into which, one or two steps more, would have precipitated me, you may imagine my feelings, but I cannot describe them.

These excursions, however, though attended with difficulty and danger, were not destitute of interest or amusement. On one of our trips to Detroit, the judges of the general court, being in company, we halted half a day, at the Ottoway town, on the Auglaize. Blue Jacket, the war chief, who commanded the Shawanees in the battle of 1794, at Maumee, resided in the village, but was absent. We were, however, received with kindness, by the old village chief, Buckingelas.

When we went to his lodge, he was giving audience to a deputation of chiefs, from some western tribes. We took seats at his request, till the conference was finished, and the strings of wampum disposed of—he gave us no intimation of the subject matter of the conference, and of course, we could not ask for it. In a little time, he called in some of his young men, and requested them to get up a game of foot-ball, for our amusement. A purse of trinkets was soon made up, and the whole village, male and female, were on the lawn. At these games, the men played against the women, and it was a rule, that the former were not to touch the ball with their hands, on penalty of forfeiting the purse; while the latter had the privilege of picking it up, running with, and throwing it as far as they could. When a squaw had the ball, the men were allowed to catch and shake her, and even throw her on the ground, if necessary, to extricate the ball from her hand, but they were not allowed to touch, or move it, except by their feet. At the opposite extrêmes of the lawn, which was a beautiful plain, thickly set with blue-grass, stakes were erected, about six feet apart—the contending parties, arrayed themselves in front of these stakes; the men on the one side, and the women on the other. The party which succeeded in driving the ball through the stakes, at the goal of their opponents, were proclaimed victors, and received the purse. All things being ready, the old chief went to the centre of the lawn, and threw up the ball, making an exclamation, in the Shawanee language, which we did not understand. He immediately retired, and the contest began. The parties seemed to be fairly matched, as to numbers, having about a hundred on a side. The game lasted more than an hour, with great animation, but was finally decided in favor of the *ladies*, by the power of an herculean squaw, who got the ball, and in spite of the men who seized her, to shake it from her uplifted hand, held it firmly, dragging them along, till she was sufficiently near the goal, to throw it through the stakes. The young sqaws

were the most active of their party, and of course, most frequently caught the ball. When they did so, it was amusing to see the strife between them and the young Indians, who immediately seized them, and always succeeded in rescuing the ball, though sometimes they could not effect their object, till their female competitors were thrown on the grass. When the contending parties had retired from the field of strife, it was pleasant to see the feelings of exultation depicted in the faces of the victors; whose joy was manifestly enhanced, by the fact, that their victory was won, in the presence of white men, whom they supposed to be highly distinguished, and of great power in their nation. This was a natural conclusion for them to draw, as they knew we were journeying to Detroit, for the purpose of holding the general court; which, they supposed, controled and governed the nation. We spent the night very pleasantly among them, and in the morning resumed our journey. On our outward trip, we followed the Auglaize to Defiance, but on our return we crossed the Maumee, at the head of the rapids, and traveled an Indian path, which led us over some very miry prairies, to the same village, at which we had been so much pleased, a few weeks before. On our arrival, we learnt that Blue Jacket had returned from Cincinnati, a day or two before, with some kegs of whisky. This information was soon confirmed, by the fact, that the whole village were drunk, male and female. Still they received us with great kindness; but it was a familiar, disgusting kindness, which we were not disposed to endure. An old wrinkle-faced squaw, was extremely officious. Her attentions however, were principally confined to Mr. St. Clair. She kissed him once or twice, exclaiming, "*you big man—governor son.*" Then turning to us, with some disdain, she said, "*you milish.*" I must confess, that I never felt the advantage of being placed at a low grade, on the scale of dignity, more sensibly, than on that occasion. The only alternative left us, was to proceed on our journey. It was then late in the

afternoon, and we had a wet and swampy path to pass over, to the St. Mary's, filled with musquetoes and gnats. It was a choice of evils, but we did not hesitate—we saddled our horses and put off. Night overtook us, in the midst of the swamp. There being no moon, the shade of the forest rendered it impossible to keep the path, much less to see and avoid the quagmires, which seemed to be without number. We had no alternative but to stop till morning. To lie down was impossible, as we were in a low, wet swamp; and to sleep was more difficult, being enveloped in clouds of gnats and musquetoes. After contending with these tormentors through the night, daylight came to our relief, and we resumed our journey. We reached the old block-house, at the crossings, then occupied by Charles Murry, and his squaw, where we got breakfast, and then proceeded on our homeward course.

It would be easy, by taxing my memory, to recall, and record as many adventures of a similar character, as would fill a small volume, for they were constantly occurring, during the first ten or twelve years of my residence in the west, but it is not my intention, to impose on your patience.

I will, however, venture to give you the substance of a note, I have preserved, of a trip to Vincennes, in December, 1799, in company with Mr. Morrison, now residing at, or near, Kaskaskias, and Mr. St. Clair, since deceased. We purchased a small Kentucky boat, called, in primitive times, an ark, on board of which, we put our horses, provisions, etc., and pushed off into the stream. In the afternoon of the third day, we reached the falls — abandoned the boat, and proceeded on our journey. About nine o'clock, we discovered a camp of four or five Indians, which we approached — having shaken hands, and obtained a brand of fire, we went on a hundred rods further, and halted for the night. After brushing away the snow, kindling a fire, and taking some refreshment, we wrapped our blankets around us and laid down to sleep. The next night, we encamped in a

rich valley, where we found much fallen timber, which enabled us to make, and keep up through the night, a large fire, before which, we slept comfortably till morning. Some panthers, attracted by the light, came near enough to salute us, with their terrifying music, but kept at a respectful distance. The next day we encountered a snow-storm. About noon, we surprised eight or ten buffalo, who were sheltering themselves behind the top of a beach tree, which had fallen by the side of the path, and hid us from their view, till we approached within two rods, when they took to their heels, and were soon out of sight. One of the company drew a pistol and fired at the retreating animals, but without effect. That evening, we reached White river, where we found a deserted cabin, the possession of which, seemed to be claimed by a large wild-cat. We soon ejected the tenant, and took possession for the night. The succeeding morning, we reached Post Vincennes. After spending a few days there, Mr. Morrison proceeded westward, and Mr. St. Clair and myself, set out on our return home, having abandoned the idea of practising in that county; from a conviction, that the profits of the business, would not be sufficient to compensate, for the fatigue and loss of time to which it would subject us.

The second day of our journey homeward, December 24, brought us another snow-storm. At noon we halted, brushed the snow from a log, sat down and dined on a frozen chicken, and some old peach brandy, part of the stores given us by the hospitable Colonel Vigo. Late in the evening, we reached Blue river, when it commenced raining, and continued to rain during the principal part of the night. As this crossing, had been the common camping-ground of travelers, from the first settlement of the post, all the fuel that could be easily obtained, had been used up. After hunting the woods for some time, we found a few small limbs, which had recently fallen. With them we made a fire, sufficient to boil some coffee, but by the time supper was over, our fuel was

exhausted, and the fire went out. Thus situated, our prospects for the night, were not very consoling. The ground covered with snow, the rain falling copiously, and our fire extinguished. Determined, however, to make the best of it, we scraped away the snow as well as we could, spread our blankets, and laid down very composedly, for the residue of the night. Our saddle-bags served for pillows, and our saddles were placed so as to turn the rain from our heads. In that manner we slept quietly till morning. When we rose from our beds, we were as wet as we should have been had we taken our nap in the bed of the river. Having no fire, we made a cold breakfast, moistened it with some of Colonel Vigo's brandy, saddled our horses and started for Louisville, where we arrived at dark, on Christmas evening. After a good warm supper, we retired to comfortable beds. The next morning we went some seven or eight miles into the country, to pay our respects to General George Rogers Clark, who then lived with his brother. We were received with kindness and pressed to spend the day. At that time, the exploits of General Clark were fresh in the recollection of the country. He was admitted to be one of the greatest military geniuses of any age or country. It was known, that in 1778, with no other means furnished by the state of Virginia, than his commission, and a warrant to raise men, and make contracts on the credit of the commonwealth, he collected a small band of heroes in the wilds of Kentucky, and having inspired them with his own spirit, and attached them most ardently to his person, he proceeded to Kaskaskias, and took the posts on the Mississippi. This expedition was scarcely exceeded in difficulties and hardships, by the memorable march of Arnold to Quebec, in the winter of 1775. At that time Governor Hamilton was at Fort Vincennes, with a superior force, meditating the capture of Clark and his band of heroes, which he considered inevitable. The American general, however, aware of his purpose, and of his own danger, determined to anticipate his enemy, by a

forced march through swamps and quagmires, to the Wabash. The plan succeeded, Hamilton was surprised, and his fort carried by storm. With his little corps, General Clark succeeded in retaining military possession in that extensive country, till the close of the war, and by that means, saved it to the United States; the fact being well understood, that in arranging the articles of the treaty of peace with Great Britain, our claim to the Northwestern Territory principally rested on his conquest and occupancy.* The cruel ingratitude with which this great man had been treated by his country, and the consequent poverty which had made him a pensioner on the bounty of his relatives, by whose charity he then subsisted, was more than he could bear. It drove him to intoxication. He sought the inebriating bowl, as though it contained the water Lethe, and would cause him to forget what he had been, and what he was. When I was induced to visit him, by the veneration I felt for his talents and services, his health was much impaired by intemperance,

*The particulars of this daring expedition, I received from my friend, Colonel John Paul, late of Madison, Indiana, who was a volunteer in the regiment. Clark landed with a part of his men, at a point not far below the mouth of the Wabash, and marched by land to Kaskaskias, leaving the residue with the stores, to proceed by water in the boats. When he arrived in sight of the town, the inhabitants were as much astonished, as if they had seen him descend from the clouds. He so placed and moved his men, as to make an impression, that his detachment was much stronger than it really was. He then proceeded to the garrison in person, and with great firmness, demanded an immediate surrender, on the penalty of receiving no quarter. The inhabitants, at once submitted, and the officer commanding the fort, in the surprise and astonishment of the moment, followed their example, and surrendered the garrison, prisoners of war. No time was lost in getting possession of Kahokia. The inhabitants were induced, without difficulty, to declare allegiance to the United States, on promise of protection. This object being accomplished, the general marched for Fort Vincennes. The low grounds on the Wabash, were so inundated, that the detachment were frequently up to their arm-pits in water, before they reached the bank of the river; yet they were not disheartened, nor did their devotion to their heroic leader, in the least degree abate.

but his majestic person, his dignified deportment and strong features, bore the impress of an intelligent, resolute mind; and immediately brought to my recollection, the personal appearance of Washington, to which it seemed to approximate. The first impression made on my mind was, that he was born to command, and that nature had fitted him for his destiny. I saw him with deep regret, and left him under a conviction, that he was, or had been richly endowed with the personal and mental qualities of a consummate general; and that he was then falling a victim to his own strong sensibility, and to the ingratitude of his native state, under whose banner he had fought and conquered.

Very respectfully,

J BURNET.

J. DELAFIELD, JR.

NOTE.

When the American troops took possession of the northern posts, in 1796, the inhabitants of Detroit and its contiguous settlements, from Lake St. Clair to the river Raisin, on both sides of the strait, were Canadian French; who were principally the proprietors and cultivators of the soil. The land had been laid out into farms, of very narrow fronts on the strait; in some instances, not more than thirty rods, and running back a mile or two, for quantity. The occupiers were extremely ignorant, and were under the influence of a strong superstition, which is, too often, the companion of unenlightened religion. They had been, time out of mind, treading in the steps of their fathers, like mere imitative beings, without seeming to know, that any improvement had been made in agriculture, since Noah planted his vineyard. Their houses were built on the strait, and generally had small orchards of fruit-trees, attached to them. They raised the same crops, without variation, and in the same succession, they had been accustomed to see from boyhood. When their fields became too poor to produce a crop, they were suffered to rest, till they became partially recruited by their own products, and the rains and dews of heaven. The narrow fronts of their farms, binding on the strait, or rather the road, which ran along the edge of the water, were occupied, generally, by their dwelling houses, gardens and barn-yards. The manure, which was formed from year to year, about their

stables and barns, was viewed as a great nuisance, and was suffered to remain, as long as they could endure the inconvenience. Then, to get rid of it, it was carted away, and thrown into the water. Consequently, the soil, though naturally good, was so impoverished by use, that it produced very light crops; and the price of every agricultural product, was extravagantly high. This continued to be the case, till the emigrants from the United States, purchased them out, and introduced a better system of agriculture.

The native French were all Catholics, and conscientiously scrupulous, in the performance of their religious duties. Their tithes were regularly brought, and deposited in the storehouse of the priests, with apparent cheerfulness. Their frequent attendance at the church, which seemed to be, every day of the week, attracted the notice of Judge Symmes, who very imprudently, introduced that subject, into one of his charges to the grand jury, for the purpose of convincing them, that they consumed more time, than was necessary, or consistent with their prosperity, in the discharge of of religious duty. The notice, which he took of that subject, gave great offence, and was producing a general excitement, through the town, and neighboring settlements. His remarks were probably misunderstood — his object, certainly was. The report of what he had said, in passing from one to another, increased like a rolling snow-ball, till it was construed into an attempt, by the American government, to put down their religion. As soon as the extent of the dissatisfaction was known, the judge made a very conciliatory explanation, on the bench, which gave general satisfaction. He also called on the priests, with some members of the bar, and found no difficulty, in removing all unpleasant feelings from their minds. This object being accomplished, the business of the court, which had been partially interrupted, one or two days, was resumed, and progressed, as before. As much the largest portion, of the suitors, witnesses and jurors, were unable to speak, or to understand the English language, it became necessary to employ interpreters, which rendered the transaction of business, tedious as well as unpleasant. Every thing, that was said in the progress of a cause, was interpreted, sentence by sentence, as the speaker progressed. You can conceive the effect of this course on a speaker, who had been accustomed to address juries with energy and animation. It reduced the summing up of a cause to the jury, to the grade of deliberate, inanimate conversation; in which the cool, calm reasoner, had a manifest advantage over the mere declaimer, who relied more on imagination, than on fact and reason. Previous to the establishment of the American courts, at Detroit, all matters of controversy among the inhabitants had been settled in a summary way, by the commandant, to whose decision, the inhabitants had been habituated to bow with submission. They had been accustomed, all their lives, to this

summary, expeditious mode of settling their disputes. They were, therefore very much dissatisfied, with the slow, tedious process of our courts, and complained very loudly, against it. They preferred the prompt decision of the military commandant, in the correctness and impartiality of whose decisions, they had been accustomed to repose confidence. This dissatisfaction, continued without much abatement, during the six years of my practice, in Wayne county.

One of the consequences of the change of government, and of the administration of justice in that county, was the commencement of a large number of suits, to test the correctness of the decisions of the commandant; particularly in cases, involving the title to real estate. The docket was soon filled with such cases, and the practice in that county was found to be the most lucrative in the territory. The first term, I attended, which was at the organization of the court, my fees amounted to fifteen hundred dollars. From this fact, you may form some idea of the professional business of that day.

Among the advantages of which the inhabitants of Detroit boasted, was the excellence of their domestic servants. No visitor from the states, (using the expression then in vogue,) could spend a day, either at a public or private house, without seeing and feeling that they did possess that advantage, to a greater degree, than any other portion of the United States. The Canadian French, though naturally obstinate and headstrong, were illiterate, and ignorant of the principles of equality, taught and practised in republican governments, and had grown up from infancy under the impression, that they were inferior to the more wealthy, and polished part of the community; and that much deference and respect, was therefore due from them, to that class of people. This feeling was carried out in practice, and hence you will perceive at once, why it was, that they possessed that advantage. But the best servants, in all respects then found at Detroit, were Pawnee Indians, and their descendants, who were held and disposed of as slaves. This species of slavery, existed to a considerable extent, in Upper Canada. It was introduced at the early settlement of the country, and was founded on the right, real or assumed, of selling as slaves, captives taken in war.

The Pawnees, though a numerous and powerful tribe, were considered as a degraded one, by most of the other tribes. This assumption was supposed to be a sufficient justification for exercising as to them, the right which they believed existed in all cases. Their laws of war justified the putting of prisoners to death, and of course, sustained the right of imposing, what was esteemed a lighter punishment. But without speculating on the subject, it is enough to say, the relation existed. The right was recognised, when the country was delivered up to the United States; and the inhabitants were

enjoying its benefits. These persons were certainly the best servants I ever saw, without exception.

The practice of purchasing prisoners as slaves, had ceased for many years, and the principal part of those then in slavery, were the descendants of enslaved captives. As soon as our laws were introduced, and our courts established, the validity of this relation was questioned, and the value of that species of property, was very much diminished, not only by the uncertainty of its tenure, but by the effect it produced on the minds of the slaves themselves. The right immediately became a subject of discussion — public opinion decided against it, and the relation has ceased to exist.

LETTER III.

CINCINNATI, NOVEMBER, 1837.

MY DEAR SIR:—In continuing the narrative you have requested, which I apprised you would be desultory, and without much regard to chronological arrangement, I will state an occurrence which took place in the fall of 1796. You are aware of the difficulties which existed, before, and after the adoption of the federal constitution, relative to the navigation of the Mississippi; and that the feelings of the western population, had been so excited on that question, as to cause serious apprehensions for the safety of the Union. Resolutions had been passed at popular meetings, and letters written to individuals in the east, connected with the administration of the government, demanding the free navigation of that river, without further delay. They charged the government with a conspiracy, to rob them of the right, by surrendering it to Spain, and intimated very plainly, that if their demand was not complied with, the people would take the matter into their own hands, and secure themselves; either by force or by treaty. This excitement appeared so alarming, as to induce General Washington, to write an explanatory letter on the subject, disclosing the state of the negotiation with Spain, which was contrary to his practice; for the purpose of removing erroneous impressions, and allaying the feelings of the people. During this excitement, negotiations were carried on secretly, between some of the leading men of Kentucky, and the Spanish authorities at New Orleans, which terminated in a contract, or a treaty, the object of which was believed to be, to detach from the Union, that part of the west, which was contiguous to the river,

and unite it to Spain. It was generally believed, that Judge Sebastian was one of the leaders in that project, and that another of them held a commission in the army, which had been given for the purpose of detaching him from that party. This, however, I will not believe, as it was inconsistent with the uniform policy of Washington. It was not his practice, to accomplish his purposes, by indirect means; much less to commit power to the hands of suspected characters, for the purpose of reforming them. Be this as it may, the person referred to, was in the army, and his patriotism was distrusted.

The facts being such, a Mr. Powers, arrived at Cincinnati from New Orleans, in a handsome barge, with a full crew of Spanish boatmen; professedly on a trading voyage. The small amount of cargo which he brought, did not seem to justify the expense of such an enterprise, which must have occupied at least six months. Some persons who visited the barge, made an estimate, that the proceeds of the entire cargo, would not be more than sufficient, to defray the expense of the trip; from which it was inferred, that there was something connected with the voyage, which did not meet the eye. This surmise was strengthened by the fact, that the boat came to, on the Kentucky shore, a mile below town, where she remained one or two days, before she came to our landing. Mr. Powers had become a Spanish subject. He was an intelligent, enterprising man, born and educated in Great Britain, and it was understood that he and Mr. Nolan, who professed to be a trader in Spanish horses, and who probably came up the river in the same boat, were in the employ of the individual bofore alluded to. From these circumstances, it was believed, that the barge had been sent by the governor of Louisiana, with money, for purposes not consistent with the allegiance, due from an American officer, to his government; and that the object of landing in the night, on the Kentucky shore, was to deliver it without

exciting suspicion. The whole movement was certainly mysterious, and cannot be rationally accounted for, on the common principles of mercantile business.

This transaction was connected in public opinion, with a similar expedition, which had failed the preceding year, under the management of Mr. Owen, an Irish gentleman of finished education and accomplished manners. He had married a young lady in New Jersey, and afterwards came to this country to better his fortune. He bore letters of introduction to the principal officers of the army. Shortly after his arrival, he was sent to New Orleans. From that place he came up the Mississippi in a barge, and arrived safely at the mouth of the Ohio, but shortly after he entered that river, he was attacked by a party of Indians, or as some supposed, of white men in disguise. He was killed, and his boat taken, and plundered. According to another version of the fatal tragedy, he was assassinated by his own men, who plundered and sunk the boat. Mr. Owen had a large amount of specie on board, destined for Cincinnati, and public opinion did not hesitate to designate the person to whom it was sent. Both of these shipments were considered as a part of the fruits of the Sebastian arrangement.

In 1798, Winthrop Sargent, secretary of the Northwestern Territory, was appointed by President Adams, governor of the new territory, then lately established on the Mississippi. The secretaryship of our territory, being vacant by that appointment, it was offered to me, through Dr. Boudinot, but knowing that my friend Captain Harrison, then about to retire from the army, desired the appointment, I declined it, and it was given to him. Before the governor left Cincinnati he pressed me to accompany him to Natchez, as a member of his family, promising his patronage, and holding out the prospect of a rapid accumulation of fortune. From a fear of the climate, the invitation was declined. At that time titles to real-estate on the Mississippi, were in a very unsettled

condition, and immediately after the establishment of the territorial courts, controversies arose, involving property of great value. Suits multiplied, and lawyers flourished. This state of things was foreseen, and offered strong temptations to risk the dangers of the climate. Most of the professional men who went there, with fair pretensions to talent and professional learning, acquired fortunes. According to the theory of chances, if there be such an occurrence as chance in the moral world, I also might have found a short road to wealth, had I gone; but on the other hand, I might have found a shorter one to the grave. In reference to the decision I then made, and its probable consequences, compared with my present situation, I can say with the poet, "*forsan et hæc olim, meminisse juvabit.*

In 1798, the Northwestern Territory contained five thousand white male inhabitants, and was admitted as a matter of right, to the second grade of government, provided for in the ordinance of 1787. This fact was made known by the proclamation of Governor St. Clair, calling on the people to elect representatives to the first general assembly, and requiring the members when elected, to meet at Cincinnati in convention, for the purpose of nominating ten persons to be returned to the President of the United States, who was required by the ordinance to select five of the number, and commission them as a legislative council. The representatives were elected, and assembled at Cincinnati in convention, on the 4th of February, 1799, in pursuance of the proclamation. After due deliberation, they made the nomination, reported it to the governor, and then adjourned to meet at Cincinnati on the 16th of September ensuing. The governor transmitted the nomination to the secretary of state, and in due time, the President appointed, and commissioned Henry Vardenburg of Vincennes, Robert Oliver of Marietta, James Findlay and Jacob Burnet of Cincinnati, and David Vance of Vanceville, to be the legislative council of the territory. Though several changes took place in

this branch of the legislature, I retained my seat till 1803, when the territorial government terminated.

On the 16th of September, 1799, both branches of the legislature assembled at Cincinnati, and organized for business. The governor met the two houses in the representatives' chamber, and in a very elegant address, recommended such measures as he thought were suited to the condition of the country, and would advance the safety and prosperity of the people. The legislative body continued in session till the 19th of December, when having finished their business, the governor prorogued them, at their request, till the first Monday in November. This being the first session, it was necessarily a very laborious one. The transition from a colonial, to a semi-independent government, called for a general revision, as well as a considerable enlargement of the statute-book. Some of the adopted laws were repealed, many others altered and amended, and a long list of new ones added to the code. New offices were to be created and filled — the duties attached to them prescribed, and a plan of ways and means devised, to meet the increased expenditures, occasioned by the change which had just taken place. As the number of members in each branch was small, and a large portion of them either unprepared or indisposed to partake largely of the labors of the session, the pressure fell on the shoulders of a few. Although the branch to which I belonged, was composed of sensible, strong-minded men, yet they were unaccustomed to the duties of their new station, and not conversant with the science of law. The consequence was, that they relied chiefly and almost entirely on me, to draft and prepare the bills and other documents, which originated in the council, as will appear by referring to the journal of the session. One of the important duties which devolved on the legislature, was the election of a delegate to represent the territory in Congress. As soon as the governor's proclamation made its appearance, the election of a person to fill that station, excited general attention.

Several persons were spoken of, and among them, myself. Many of my friends solicited me to become a candidate, and ventured to give strong assurances of my election, if I would consent to serve; but being at that time engaged in an extensive and lucrative practice, and not wealthy, I could not afford to quit my profession, or to abstract from it, as much time and attention, as the duties of the station would require. In addition to this, it appeared to me that I could be more useful to the people of the territory, in their own legislature, than in Congress. For these reasons the request was declined; and before the meeting of the legislature, public opinion had settled down on William Henry Harrison, and Arthur St. Clair, jun., who were eventually the only candidates. On the 3d of October, the two houses met in the representatives' chamber, according to a joint resolution, and proceeded to the election. The ballots being taken and counted, it appeared that William Henry Harrison had eleven votes, and Arthur St. Clair, jun., ten votes; — the former was therefore declared to be duly elected. The legislature, by joint resolution, prescribed the form of a certificate of his election; having received that certificate, he resigned the office of secretary of the territory — proceeded forthwith to Philadelphia, and took his seat, Congress being then in session. Though he represented the territory but one year, he obtained some important advantages for his constituents. He introduced a resolution to subdivide the surveys of the public lands, and to offer them for sale in small tracts — he succeeded in getting that measure through both houses, in opposition to the interest of speculators who were, and who wished to be, the retailers of land to the poorer class of the community. His proposition became a law, and was hailed as the most benificent act, that Congress had ever done for the territory. It put it in the power of every industrious man, however poor, to become a freeholder, and to lay a foundation for the future support, and comfort of his family. At the same session, he obtained a liberal extension of time

for the pre-emptioners in the northern part of the Miami purchase, which enabled them to secure their farms, and eventually to become independent, and even wealthy.

Congress at that session, divided the Northwestern Territory, by establishing the new territory of Indiana, of which Mr. Harrison was appointed governor. He also received the appointment of superintendent of Indian affairs, and resigned his seat in Congress. By the division of the territory, Mr. Vander Burgh became a citizen of Indiana. His seat in the legislative council was thereby vacated, and Solomon Sibley, of Detroit, was appointed to fill the vacancy. The office of secretary, vacated by the appointment of Mr. Harrison, was filled by the appointment of Charles Willing Byrd, who was afterwards district judge of the United States, for the district of Ohio.

After the close of the first session of the territorial legislature, a law was passed by Congress, removing the seat of government from Cincinnati to Chillicothe. On the 3d of November, 1800, the general assembly convened at that place. The governor met and addressed them; recommending specifically, the measures to which he desired their attention — he closed his address, in these emphatic words: "My term of office, and your's, gentlemen of the house of representatives, will soon expire — It is indeed, very uncertain, whether I shall ever meet another assembly, in the character I now hold, for I well know, that the vilest calumnies, and the greatest falsehoods, are insidiously circulated among the people, with a view to prevent it. While I regret the baseness, and malevolence of the authors; and well know, that the laws have put the means of correction, fully in my power, they have nothing to dread from me, but the contempt they justly merit. The remorse of their own consciences, will one day, be punishment sufficient: — Their arts, may, however, succeed: — Be that as it may, of this I am certain, that, be my successor whom he may, he can never have the interests of the people of this territory, more truly at heart,

than I have had, nor labor more assiduously for their good, than I have done; and I am not conscious that any one act of my administration, has been influenced by any other motive than a sincere desire to promote their welfare and happiness." To this address, such answers were returned, as the houses saw proper to prepare, and present. The answer of the legislative council closed with the following remarks: "It is with real concern and indignation, that we view the malicious attempts, which have been made, to asperse the character of your Excellency—and though the provisions of the law, might subject the authors to punishment, yet we agree with you, that attempts so despicable and wicked, merit no other notice, than contempt. Believing that your general conduct, as chief magistrate, has been dictated by a pure desire to promote the interest and welfare of the people of this territory; the legislative council, feel it a duty incumbent on them, at this time, to express their confidence in your administration, and their wishes for its continuance."

The business of the session then commenced. Many laws, some of which were of great importance, were reported, matured, and passed. On the 6th November, the two houses met, for the purpose of filling the vacancy made by the resignation of Mr. Harrison, in the Congress of the United States, and also, to elect a delegate for the next succeeding term. William McMillan, of Cincinnati, was elected to fill the vacancy, and Paul Fearing, of Marietta, was elected for the term, to commence on the 4th of March, then next. On the 2d of December, the governor informed the legislature, by a written message, "that on Thursday, the 9th instant, an end must be put to the session of the legislature, as on that day, his term of office would expire, and it not being one of the cases, provided for by law, in which the place of the governor, could be supplied by the secretary." Agreeably to that notice, the council repaired to the chamber of the house of representatives, when the governor came in, and adjourned the assembly without day.

Subsequent to this adjournment, Governor St. Clair was re-appointed by President Adams, and a new house of representatives, was elected by the people.

On the 24th of November, 1801, the general assembly met at Chillicothe, in obedience to the proclamation of the governor, for the despatch of business. It continued in session till the 23d of January, when it was adjourned by the governor, to be recommenced at Cincinnati, on the fourth Monday of November, 1802. During this session, a long catalogue of laws were passed, of great interest to the community: a number of which, were re-enacted by the state legislature, and have been continued on the statute-book, ever since, with but little alteration. At this session, the university of Athens, was established. A law was also passed, removing the seat of government from Chillicothe to Cincinnati. This was done, in consequence of the violent and disgraceful proceedings of a mob, which assembled on two successive evenings, for the purpose of insulting the governor, and several of the members of the legislature, without any steps being taken, by the police of the town, to repress it, or to punish the leaders; some of whom had been ranked among the most respectable citizens of the place. A law was also passed, introduced by myself, on leave granted, "declaring the assent of the territory, to an alteration in the ordinance, for the government thereof;" the object of which, was to change the boundaries of the three states, first to be established.

As such an alteration could not be made, without the consent of Congress, the act was laid before them. It was opposed by persons, whose private interest might have been affected by it, and was rejected.

Soon after the last adjournment of the legislature, a census was taken; and the population of the eastern division of the territory, was found to be about forty-five thousand. Measures were also taken, to obtain an act of Congress, authorising the people of that division, to form a constitution,

and state government; and, although the ordinance required a population of sixty thousand, to entitle the district to become a state, as a matter of right, yet, the law was passed—a convention elected—a constitution formed, and the district was declared to be an independent state, and admitted into the Union, professedly on a footing with the original states. In reality, however, such was not the case. The permission to form a constitution, was given on conditions; one of which was a relinquishment of the right to tax the lands of Congress, until after they had been sold five years.

The value of that right, had it been retained, could not have been easily computed. Three-fourths of the state, then belonged to Congress, and I leave it for you to estimate, the sum, that would have been produced by a tax on these lands, equal to that which the citizens have paid, from 1803, to the present day. It was alleged in justification of this suicidal act, that the state would not have possessed the right to levy such a tax. If not, why did Congress make the relinquishment of it a *sine qua non* in their proposition, and why did they give for it a *quid pro quo*, as it was called? The right I think can be clearly vindicated—I will not stop to do it now, though I may attempt it in another letter.

A second imposition, practiced upon our infant state, was to restrict its northern boundary, to a line drawn through the southern bend of lake Michigan, when the ordinance expressly gave us possession and jurisdiction, to the northern boundary of the United States, until the territory north of the present boundary, should contain a population sufficient to form a state government. That population, was not obtained till last year; of course, till then, Michigan would have been a part of the territory of Ohio. By examining the act of Congress, you will find the boundary prescribed in it, to be as here stated: and if you will read the ordinance with care, you will find also, that our right of boundary, was as I have represented it. It was a fortunate circumstance, that while the convention was in session, an old hunter from the north,

who happened to be there, heard some conversation on the subject of the boundary, and informed Governor Worthington that he had hunted on lake Michigan several years, and that it extended much farther south, than was supposed. His statement gave rise to some apprehension on the subject, which induced the convention to vary from the line prescribed in the act of Congress, so far as to provide, that if it should strike lake Erie, below the Maumee river, then the boundary of the state, should be a line drawn from the point, where the prescribed line, intersected the west boundary of the state, direct to the most northern cape, of the Maumee bay. That provision saved to Ohio, the invaluable ports and harbors, on the Maumee river and bay, which were the prizes contended for, in what has been called the Michigan war. Small matters sometimes lead to great results, as was the fact in this case. The leading politicians of that day, were so intent on the establishment of a state government, that they hesitated in making the provision, just stated, lest it might defeat their plan. Fortunately, however, it was adopted, and its object is now secure. I was myself an actor in the political squabbles, and strifes of that period, and have reason to remember them. It was my opinion then, and is still, that we had better endure the inconveniences of a territorial government, a little longer, and remain as we were, till our numbers would give us an unqualified right to that, which we were begging as a favor, on humilitating conditions. One or two years at most, would have placed us on that commanding ground, and brought us into the Union, in reality, as well as in name; on an equal footing with the original states. It may be fairly questioned, whether the state has been benefitted a cent, by the concessions of the compromise. All parties admit, that the *three per cent.* fund, has produced no permanent benefit to the state. The saline lands have yielded little more than a fair remuneration for the expense and trouble they have occasioned, and the school lands, which are admitted to be of great value, could have

been claimed, as a matter of right, under the ordinances of Congress. Those ordinances adopted the principle, that one section, in every township of the public land, should be given for the use of schools. As early as the 20th May, 1785, an ordinance was passed, declaring, that "there shall be reserved, the lot No. 16, of every township, for the maintenance of public schools, within the said township." The ordinance of July 23d, 1787, on the same subject, provided, that "the lot No. 16, in each township, or fractional part of a township, to be *given perpetually*, for the purposes contained in the said ordinance." These ordinances extended to all the lands owned by Congress. They were not repealed, and being in the nature of a contract, could not be, without a violation of public faith. In the instructions, given to the delegate in Congress, in December, 1801, the legislature say, "and whereas the Congress of the United States, have promised, that the section, number sixteen, in each township, throughout the territory, should be granted for the support of schools, and number twenty-nine, for the support of religion — therefore resolved," etc. These ordinances were passed before the settlement of the territory began, and were held out, as an inducement to emigrants, to encounter the perils and hardships, of settling a wilderness. The benefit of them, had been conceded to the Ohio company's purchase, and to the Miami purchase, and every person who removed from the states, to the territory, in early times, was influenced more or less, by the expectation, that the declared purpose, and the promise of the old Congress, on this subject, would be extended to every portion of the Northwestern Territory. The sacrifices and dangers of the pioneers, without which, the public domain would have been of no value to government, were an ample consideration for the grant — after this price had been paid, involving the loss of many lives, and the exposure to great suffering; it cannot be admitted, that Congress would have withheld the pittance, which formed one of the motives for

its endurance — what those hardy adventurers encountered, is already almost forgotten; and to the few who were young at that time, and yet survive, it appears more like a dream than a reality.

The measures which were in progress, for the establishment of a state government, and the removal of Governor St. Clair from office, shortly after the adjournment of the territorial legislature, prevented that body from assembling in November, though they were not superseded, till 1803, when the old order of things was entirely done away, and a new order commenced.

During the continuance of the first grade of the territorial government, Governor St. Clair enjoyed the confidence and respect of the inhabitants generally. He was plain and simple in his dress, and equipage — open and frank in his manners, and accessible to persons of every rank. In these respects, he exhibited a striking contrast with the secretary of the territory, Colonel Sargeant; and it was measurably, to the influence of that contrast, that the governor was indebted for his popularity. After Mr. Harrison succeeded Colonel Sargeant, in 1798, that contrast ceased, and the popularity of the governor began to decline. He retained, however, a large share of popular favor, till the close of the first session of the territorial legislature. Soon after that body commenced its legislative functions, he exhibited a disposition to extend his power. The construction which he gave to the ordinance, was such, as confined the will of the legislature, within narrow limits. That instrument made it the duty of the governor, from time to time, as circumstances might require, to lay out the parts of the district, in which the Indian title had been extinguished, into counties and townships, subject, however, to such alterations, as might thereafter, be made by the legislature. Although all the territory subject to his action, had been laid out into counties, prior to the year 1799, yet, he claimed the right of creating new counties, by the division of existing ones. On the other

hand, the legislature insisted, that the power of the governor was exhausted, by what he had done, and that the right of altering, dividing and sub-dividing, existing counties, was vested in their body. In accordance with that view of the question, they proceeded to pass bills, erecting new counties out of old ones, and sent them to the governor for his approval. He not only refused to sign them, but sent to the houses a message, on the subject, couched in offensive language, contrary to his usual custom, and, as if anxious to make his power more sensibly felt, he immediately established and organized one of them, without consulting the assembly.

The ordinance gave him an unqualified veto, on the proceedings of the legislature. In the exercise of that power, he considered himself a co-ordinate branch of that body, vested with full discretion, to decide on the expediency of all their acts. During the first session, thirty bills were passed and sent to him; on eleven of which, he put his veto. Some of them were supposed to be of importance, and all of them calculated, more or less, to advance the public interest. This course excited indignation — It multiplied his enemies, and rendered it more difficult for his friends, to defend and sustain him. It created a state of bad feeling, between the legislative and executive branches, and eventually terminated in his removal.

The conduct of Governor St. Clair was fresh in the minds of the men who composed the convention of 1802, and had a manifest influence on the result of their deliberations, on that part of the constitution, which settled the powers, and duties of the executive. It was no doubt the principal cause which influenced them, so to restrict and limit those powers, as to render the governor of the great state of Ohio, almost a cypher. St. Clair was a man of superior talents — of extensive information, and of great uprightness of purpose. The course he pursued, though destructive of his own popularity, was the result of an honest exercise of his judgement — he not only believed, that the power he claimed, belonged

legitimately to the executive, but was convinced, that the manner in which he exercised it, was calculated to advance the best interests of the territory — he placed a high estimate on the powers of his own mind, and though modest and unassuming, in his ordinary intercourse in society, he very rarely yielded his opinion. He had been accustomed from infancy, to mingle in the circles of taste and refinement, and had acquired a polish of manners, and a habitual respect for the feelings of those around him, which was often referred to as a standard of genuine politeness — it seemed to be his desire, that persons of every grade, should feel at ease, when in his company. Many of his most active opponents, had been his friends — their opposition was attributed to personal ambition, and a desire to elevate themselves, to political distinction, on his ruin; but on a calm review, of the contentions of that period, after a lapse of thirty-five years, many circumstances, over which oblivion has thrown her mantle, can be recalled to memory, which may account for their conduct, without ascribing to them, more of self-interest, or less of honesty of purpose, than falls to the lot of those, who are called consistent politicians of the present day. Some part of the governor's political course, was condemned by his best friends, and was calculated to excite a warmth of feeling in his opponents, which might have led upright men, beyond the limits of moderation, and even of justice. An attentive observer, of the conduct of that talented man, must come to the conclusion, that wisdom and prudence, are not synonimous, and that talents of a high order, united with integrity of purpose, are not always sufficient, to guide their possessors, in the path of duty or safety.

Very respectfully,

J. BURNET.

J. DELAFIELD, JR.

LETTER IV.

CINCINNATI, NOVEMBER, 1837.

DEAR SIR: —My last letter contained some statements, in relation to the proceedings of the legislature, under the territorial government. It would be a laborious task, to write, or to read, a full detail of those transactions; though many of them were very important, and interesting, at the time. The ordinance and compact, which constituted our constitution, contained but little specific legislation. It prescribed the rule of descents, and the manner of transferring real estate. In other respects it was general; laying down principles, for the government of subsequent legislation. The statutes adopted, from time to time, by the governor and judges, formed a miserable apology, for a code of statute laws. They did not embrace half the subjects of interest, and most of those which were embraced, were in a crude and otherwise imperfect state. The most efficient of them, were taken from the Virginia code, and adopted the common law, and such of the English statutes, prior to the fourth of James the first, as were of a general nature, and applicable to the country. Although this law filled many a chasm, and was of great importance, in the administration of justice, as without it, the courts must have legislated, for many of the cases, which came before them, yet it was so general, and indefinite in its terms, that questions were perpetually arising, at the bar, and on the bench, whether this statute, or that statute, of the English code, was adopted; and whether such parts of a statute, as were applicable to the state of the country, might be taken, and others rejected. One case of this character, now occurs to my recollection. In a suit for the recovery of money, the defence rested

on the plea of usury. The statute of 13th Elizabeth, was relied on. That statute came clearly within the terms of the adopting law, both as to time, and subject matter; yet, as it authorised an interest of ten per cent., and the interest of the territory, established by practice and general consent, was only six per cent., it became a question, whether it did not justify that rate of interest, and if not, whether the penalty of the act, could be applied to the case. I was engaged for the defence; but considering it doubtful, how the court would decide the question, recommended a compromise.

On many interesting subjects, there had been no legislation: particularly on those relating to remedies, and the modes of conducting them. In most cases, the tedious course of the common law was relied on, which was difficult, and expensive, even with the aid of a court of chancery; but when you recollect, that under the territorial government, there was no tribunal vested with chancery powers, you will see more clearly, the difficulty to which I refer. From necessity, our courts of common law, exercised chancery powers, as far as their modes and forms of administering justice, would permit; yet that assumption, could not supply the want of such a tribunal, without legislative aid. Our code was deficient on the subject of partition of real estate—assignment of dower—relief of insolvent debtors—the settlement of disputes by arbitrament—divorce and alimony—equitable set-off—execution of real contracts, etc. To supply this deficiency, the action of the legislature was required, and it formed a difficult and responsible part of their duty. Laws were enacted, providing simple and easy modes of proceeding, in such cases. But it is not possible to present such a view of the subject, as will enable you to estimate the labor of the territorial legislature, or the benefits resulting from it. To form such an estimate, you must see the state of things as it existed—its operation in practice, and the effects produced by the legislative action, which was applied.

The subject of education occupied their attention. They

prepared a set of instructions, to the delegate in Congress, which enjoined it on him, to use his influence to induce Congress to pass such laws as were necessary, to secure the title to the lands, which had been promised, for the support of schools and colleges, including the general pledge of section No. 16, in every township in the territory, for the support of common schools.

The ordinance, made it the duty of the legislature, to observe the utmost good faith towards the Indians—to protect their property, rights, and liberty, and to pass laws, founded in justice and humanity, for preventing wrongs being done to them. On the recommendation of the governor, this subject occupied our attention. A statute was passed, for their protection, which covered all the ground, to which our power was supposed to extend.

The dividing line, between the territories, not having been run, it was a question of doubt, into which territory the island of Michilimakina, and the adjacent settlements would fall—measures were taken to ascertain, and adjust that matter. An application was also made to Congress, in 1801, by order of the legislature, to obtain a further assurance of section No. 16, throughout the territory, which they claimed, as having been pledged by Congress, under the old confederation, for the use of schools. They also took measures to obtain, for the people of Detroit, a confirmation of their right, to a tract of land, adjoining the town; which they had used, time out of mind, as a public common. They also remonstrated against the unqualified veto, given to the governor, over the acts of the legislature, and against the exclusive right he claimed of dividing and sub-dividing counties, without their concurrence. They also made an effort to abolish the property qualification, required by the ordinance; so as to allow the right of voting, for representatives, to the legislature of the territory, to all free male citizens, of the age of twenty-one years, and upwards, who had resided one year in the territory, and had paid a territorial, or county tax.

I recollect, that in 1799, a memorial was presented by the officers of the Virginia line, on continental establishment, praying for toleration to remove with their slaves, on to their military bounty lands, between the Scioto and Little Miami rivers. The ordinance being unequivocal, in prohibiting such a measure, the legislature had no discretion in the case. Although it was evident, that if the prayer of the memorialists had been granted, it would have brought a great accession of strength, wealth and intelligence, into the territory; yet, such was the feeling, on the question of slavery, that the request would have been denied, by a unanimous vote, had the legislature possessed the power of granting it. They were not only opposed to slavery, on the ground of its being a moral evil, in violation of personal right, but were convinced that it would ultimately retard the settlement, and check the prosperity of the country, by making labor less respectable, and by creating feelings and habits, unfriendly to the simplicity and industry which they desired to encourage and perpetuate. The influence of these feelings was so strong on the minds of the legislature, that after the rejection of the memorial, they prepared an address to the people, recommending industry and frugality — urging them to discountenance idleness and dissipation — to encourage home manufactures, and to retrench unnecessary expenses.

It had been the custom of the French inhabitants of the Illinois, Mississippi and Wabash, from the first settlement of the country, to enclose their small farms by one common fence, which frequently gave rise to disputes and quarrels—sometimes as to their respective portions of expense in keeping up the enclosure—sometimes by the uncertainty of their landmarks—sometimes by injuries done to the crops of each other, by carelessness, or otherwise, and sometimes in fixing the time when they should be allowed to use the enclosure for pasturage, and in ascertaining the number of animals, that each proprietor should be allowed to put in. These difficulties were, to them, of serious importance, and were presented to

the legislature, in the shape of a memorial. It was not an easy matter to devise a remedy. The case seemed to resemble that of a joint-stock company, not regulated by law, and having no rule of government, but custom, voluntarily submitted to. A plan, however, was devised and made obligatory, by an act entitled "an act to regulate the enclosing, and cultivating of common fields," which gave general satisfaction.

In that early stage of the settlements in the territory, very serious damage was often done to the property of the inhabitants, by setting fire to the woods and prairies; sometimes by design, but more frequently by accident, or carelessness. It often happened that fences, and sometimes stack-yards and buildings, were consumed. The extent of this evil, and the apprehension which it produced, on the public mind, cannot be realised by those, who have not felt, or seen its effects. Petitions, on that subject, were numerous, and a law was passed to afford relief.

From the first settlement of the territory, the commonwealth of Kentucky, claimed exclusive jurisdiction on the Ohio river. On the ground of strict, legal right, the claim was tacitly admitted, on the part of the territory, and very serious difficulties and embarrassments, had been the result. Persons arrested by our officers, for crimes perpetrated on boats, lying at, or floating near our shore, and committed to jail within the territory, were frequently discharged by *habeas corpus*. In some instances, they were retained, indicted, and put on their trial; but in all such cases, pleas to the jurisdiction were filed, which were generally sustained; so that a trial, followed by conviction and punishment, was a rare occurrence. In setting up this exclusive jurisdiction, it was claimed, that it extended to high-water mark, which, at many points, would carry it far into the territory, as the water frequently backed up, a mile or more, from the bank of the river. Some went so far as to insist, that when the river, at its highest stage, passed through a bayou, so as to isolate a portion of high ground, on the bank; the ground so separated, was an island, belonging to Kentucky, and within her jurisdiction;

on the pretext that Virginia had ceded to that state, all the islands in the river, and that their right, both to soil and jurisdiction, extended to high-water mark. On this theory, an attempt was made, to locate a warrant, on lands so situate, below this place. This state of things, was highly embarrassing, and frequently resulted, in the escape of criminals, from just punishment. It was loudly, and justly complained of, and considered extremely oppressive. Many persons of intelligence, inclined to the opinion, that the cession of the country, west of the river, including jurisdiction, as well as soil; in connection with the fact, that the Ohio river had been declared a public highway, to be used freely by all the citizens of the United States, might be fairly considered, as giving us the jurisdiction, we claimed. I was disposed to encourage that opinion, and to assert, and maintain it, as the only remedy for the embarrassments then experienced, by our courts and magistrates, in the administration of justice. Accordingly, early in the session of 1799, I moved for leave to introduce a bill, defining, and regulating privileges, in certain cases; in which our right to a concurrent jurisdiction, was affirmed, by legalising the service of process, civil and criminal, on any river, or water-course, within, or bounding the territory. The feeling of the inhabitants on the subject, may be inferred from the acts of their representatives, who passed the bill, by an unanimous vote, in each house; with a distinct understanding, that it asserted our right, to the disputed jurisdiction. From that time, the tribunals of the territory, and afterwards of the state, sustained the legality of arrests on the Ohio river. Kentucky, however, continued to dispute the right, but no serious efforts were made to resist it, for a number of years. At length, the opposition, on the part of that state, became so serious, that the legislature of Ohio, requested the governor to open a correspondence, on the subject, with the governor of Kentucky. Several letters were written, but without producing any effect. It so happened, that I was a member, when the result was communicated to the legislature. De-

termined to ascertain the merits of our claim, as far as possible, I examined the act of cession from Virginia, and the resolutions of Congress, in relation to it. I also traced the progress of the negociation, between the people of Kentucky, and the state of Virginia; on the application of the former, for permission to establish a separate government. I found that several acts had been passed; which appeared not to have been satisfactory to the applicants. The last one I examined, was passed in December, 1789, and was full and explicit. It was in the nature of a compact, and set forth, distinctly, the terms and conditions, on which the district should be authorised, to form a government, for themselves. One of those conditions, provided, in explicit terms, that the state to be formed in the district, should never claim the exclusive jurisdiction on the Ohio river; but that it should be forever common to them, and to the people and states, on the opposite side. These conditions were agreed to by Kentucky; and a state constitution was formed in 1792, containing a clause, declaring, that the compact with the state of Virginia, should be considered as a part of that constitution. The result of this examination, was communicated to the legislature; and produced a universal conviction that the right, for which we had been attempting to negotiate, was completely secured by the prudence and foresight of the state of Virginia. Since that time, there has been no difficulty on the subject, as far as the pretensions of Kentucky are involved. A similar difficulty, however, may arise, with the state of Virginia, as to the part of the river between Big Sandy, and the Pennsylvania line. But judging from her great generosity, in securing for the the territory, the jurisdiction from Sandy, to the mouth of the Ohio, it is not presumed, she will ever desire, to restrict it above.

I have heretofore remarked, that the labor of preparing, and maturing, the business of the territorial legislature, rested on the shoulders of a few individuals. That you may not take this intimation, entirely on trust, I give you a list of the bills

drafted and reported by myself, during the session of 1799. They are as follow. A bill, to regulate the admission and practice of attorneys at law. A bill, to confirm and give force to certain laws, *enacted* by the governor and judges of the territory. A bill, making promissory notes negotiable. A bill, to authorise and regulate arbitrations. A bill, to regulate the service and return of process, in certain cases. A bill, establishing courts, for the trial of small causes. A bill, to prevent trespassing, by the cutting of timber. A bill, providing for the appointment of constables. A bill, defining privileges in certain cases. A bill, to prevent the introduction of spirituous liquors, into certain Indian towns. A bill, for appointing general officers, in the militia of the territory. A bill, allowing compensation to the attorney general, and attorneys prosecuting for the territory, in the counties. A bill, to revise the laws adopted, or made, by the governor and judges of the territory. A bill, to authorise the raising of money by lottery. A bill, for the relief of the poor. A bill, repealing certain laws and parts of laws. A bill, for the punishment of arson. I was, also, appointed, to prepare and report rules and regulations, for conducting the business, of the legislative council—also an answer to the governor's address, to the two houses, at the opening of the session—also the mode proper, to be adopted, for electing the delegate to Congress, and certifying his appointment, and the instructious to be given to him —also a memorial to Congress, from the assembly, on behalf of the purchasers of land, in the Miami country—and an address to the President of the United States. I had also a full share, of all other business, which came before us.

During the first stage of territorial government, from 1788 to 1799, the law in force, for the collection of small debts, subjected the inhabitants, to great trouble and expense, and sometimes, to the most oppressive exactions. The counties were very extensive, and the jurisdiction of justices of the peace, extended throughout the county. They were in the practice of taking debts to collect, far exceeding the sum

within their jurisdiction, which they divided into small sums; on each of which they issued process. In one case, six or eight writs were issued in Cincinnati, against a person residing at Colerain, for the collection of one note of hand. Each process was the commencement of a separate suit, in which a bill of cost was taxed. The constable was allowed his traveling fees, in each case, and the aggregate cost-bill, amounted to sixty or seventy dollars, which exceeded the amount of the debt. The law passed by the legislature, confined the jurisdiction of justices, in civil cases, to the townships in which they resided, and prohibited them from issuing more than one writ, or summons, on one claim.

The bill defining privileges, protected the citizens from arrest, on civil process, on the fourth day of July. It is believed that this, was the first act of legislation, which hallowed that memorable day, by giving protection, to all classes of men, while they were engaged in its celebration—partaking in the rejoicings and festivities, which the elder Adams, predicted, in 1776, would distinguish it, as long as the nation existed. Since that time, similar exemptions have been provided, in several of the states.

Under the first grade of territorial government, the governor and judges, had taken great liberties, with the laws they adopted. In some instances, they retained nothing more, than the title of the adopted law; the body of it being stricken out, and a substitute prepared by themselves. I have before stated, that the governor protested against that course, and after the organization of the legislature, presented the subject to their consideration; recommending such legislation, in reference to it, as they might think necessary. It was in response to that call, that the bill was reported, to give effect to those laws. Their validity, though questioned, had been acquiesced in, for the reasons heretofore stated. But as serious doubts existed, in the minds of some of the most intelligent members of the bar, it was thought advisable, to remove those doubts, by the sanction of the legislature.

The bill to prevent the introduction of ardent spirits into certain Indian towns, was introduced and passed, at the instance of the missionaries, of the church, of United Brethren, who had formed establishments, under the authority of Congress, at Shoenbrun, Gnadenhutten, and Salem, on the Tuscarawas river, then in the county of Washington. The Indians in those settlements, had been christianised, and had made some progress in agriculture and the arts; but when the white population settled in their neighborhood, a traffic commenced between them; and, as a natural consequence, whiskey was taken to their towns, as the most profitable article of trade. The effect, which it was producing, on their industry, and moral habits, became alarming; and induced the missionaries, through the governor, to apply to the general assembly for relief. The law produced some good effect, for a short time; but as the white population increased, and approached nearer to their towns, it was found impossible, to carry it into effect. The Indians, very soon, became habitually intemperate, idle, and faithless, and the missionaries abandoned the towns, in despair.

It has been suggested, by some writers of intelligence, that the red men of this continent, are not capable of being reduced to a state of civilization — that they cannot be induced to settle in communities, and engage in the pursuits of agriculture, and the arts, and that this is probably owing, to some radical distinction between them and us. My observation has not enabled me, to form such an opinion. Judging from all I have seen, of that once numerous people, my mind can come to no other conclusion, than that, when placed in the same situation, and acted on by the same causes, they will resort to the same expedients, and pursue the same policy. In confirmation of this, I refer, to the many instances of white persons, who have been taken in childhood, and brought up among them. In every such case, the child of civilization, has become the ferocious adult, of the forest: manifesting all the peculiarities of the native Indian. His habits, manners, propensities, and

pursuits, have been the same — his fondness for the chase, and his reluctance to labor, the same; so that the most astute, philosophic observer, has not been able to discover any difference, but in the color of the skin; and, in many instances, even this has been so much changed, by exposure, and the use of oil, and paints, as, in a great measure, to remove that distinction, also. In some cases, these persons have been taken home to their friends, but have refused to live with them; and have returned to the tribe, whose habits, feelings, and mode of life, they preferred. One case of this kind, was of a female, who was reclaimed, and taken home by her relatives, in Kentucky; but in spite of all their efforts, she left them, returned to her former associates, and was again happy.

The attempts, which have been made, to improve these people, have been attended with all the success, that could be expected. Look at the Cherokees, in Georgia, and the Wyandots, at Upper Sandusky. From 1821, to 1828, I passed through the latter settlement, almost every year, and, sometimes, twice a year. They had devoted themselves, principally, to agriculture and the arts, and were making rapid advances in civilization, when the policy of government, required them to abandon their farms, dispose of their stock, and migrate to the far west.

The ideal distinction, between Europeans, and the Aborigines of this continent, one would suppose, must vanish, by an unprejudiced comparison of the educated Indian, and the white man. In what respect, does Ross, Boudinot, Hicks, and Ridge, differ from us? Their moral sense is the same — they manifest the same taste — their preferences and dislikes — their habits and manners, are the same, and their reasoning powers are equally strong and active. If the reclaimed, educated Indian, becomes assimilated to the white man, and the European, brought up from infancy, among the Indians, becomes entirely assimilated to them, in what, I ask, can there be a radical difference? The fact is, the difficulty of civilizing the natives of this continent, is neither greater, nor less,

than that, which retarded the improvement, of the barbarous nations of Europe, two thousand years ago. Human nature is, and has been, the same, in all ages, and countries. Men have always had a natural propensity to roam, and have delighted in the chase, rather than agriculture; and both history and experience, prove, that nothing but necessity, arising from such an increase of population, as destroys the game, has induced men, to settle in communities, and rely on the cultivation of the earth for subsistence. In the progress of civilization, the chase has given way to the pastoral state, and that has yielded to agriculture, as the increase of numbers, rendered it necessary.

The difficulty of reclaiming the Indians, from savage life, is ascribable, principally, to two causes; the almost boundless extent of forest and prairie, filled with game, to which they have access; and the facility with which they learn and practice the vices of white men; particularly those of intemperance and idleness. The first invites them to the chase, and supersedes the necessity of the labor and drudgery, which agriculture demands; and the last unfits them for deciding on the policy, best calculated to advance their own happiness. If they could be protected from these vices, till the forest should cease to supply them with food, they would devote themselves to agriculture, and the arts, in the same manner as the barbarians of other countries have done. The stimulus of necessity has always been required to induce the idle to become laborious. Without labor, no dense population can exist; and in proportion as the inhabitants of any district of country, have increased, their industry has, also, increased. As soon as the Cherokees and Wyandots, were surrounded by a white population, and their territory was so contracted, as to cut off their dependence on hunting and fishing; they became farmers, and manifested a strong disposition to cultivate the arts — and this would have been the course of the whole race, if the policy of government had permitted it. Is it just, to affirm, that the natives of this country, are a distinct and inferior race, because

they do not, generally, imitate us; when it is known, that we not only remove every motive, that could induce them to do so; but, in fact, render it impossible? What object of ambition is there, to stimulate their efforts, when they are made to feel, that they hold their country, as tenants at will, liable to be driven from it, at the pleasure of our government? As soon as they are brought to a situation, in which necessity prompts them to industry, and induces them to adopt our manners and habits of life, every motive to do so, is destroyed, by telling them, the country, they occupy, is not their own, and that they must look elsewhere for a permanent dwelling.

The philanthropist cannot restrain the tear of sympathy, when he has marked the progress of intemperance, and noticed its destructive effects, among the Indian tribes, as the people of our nation, boasting of its civilization and religion, have approached and mingled with them. When our settlements began, that hardy race were the acknowledged sovereigns of the soil. The government claimed no right of occupancy, but as they obtained it, by purchase. The entire country, from Pennsylvania to the Mississippi, then our western boundary, was acknowledged to be theirs, and a more fertile, delightful valley, has not been seen on the globe. We found it filled with numerous tribes, of happy people, uncontaminated, by the vices of depraved civilization —enjoying all the comforts and luxuries, which, in their estimation, the world produced. Contented with their condition, they were thankful to the Great Spirit, for the abundance, with which he had filled their forests, and their rivers. Unconscious of the baneful consequences of associating with white men, they ceded to the American government, large and valuable portions of their country, at nominal prices. These were rapidly settled by Americans, who were believed by the confiding natives, to be their friends and brothers; but, as our population increased, and our intercourse with them extended, the vices of intemperance and idleness spread, and soon contaminated every tribe. The

hunting excursion, and the chase, ceased to be pleasurable —the labor of raising their small crops of corn and pulse, became a drudgery, and their chief delight was in the excitement, produced by ardent spirit. As a consequence, their subsistence became precarious, and scanty—they often suffered for food—their vigor abated—their health declined —they raised but few of their children—their self-respect— their dignity of character, and the heroism inherited from their fathers, were lost—the ravages of intemperance, and its kindred vices, aided by war, reduced their numbers; and finally broke up many of their tribes. They became, in their own estimation, a degraded, dependant race. Our government, availing itself of their weakness, and want of energy, partly by bribery, and partly by threats, extorted their consent, to leave the land of their birth, where the bones of their fathers were buried, and to be transported to a distant home, in a region to them unknown.

This distressing chapter, of aboriginal history, began and terminated, in less than fifty years. I witnessed its commencement, progress and close.* Until the treaty of Greenville, in 1795, there had been no friendly intercourse, between the Indians and the whites, in consequence of the war, which existed. The intercourse, and its destructive consequences, began immediately after. At the time I came to the west, they were numerous, powerful, and uncontaminated.

My yearly trips to Detroit, from 1796 to 1802, made it necessary, to pass through some of their towns, and convenient to visit many of them. Of course, I had frequent opportunities, of seeing thousands of them, in their villages, and at their hunting camps; and of forming a personal acquaintance with some of their distinguished chiefs. I have eat and slept in their towns, and partaken of their hospitality, which had no limit but that of their contracted means. The

*These remarks apply to the Indians of the Northwestern territory.

corrupting influence of their intercourse with the whites, had then just began, and had made but little progress. They retained the distinctive marks of their national character. Their deportment showed, that they felt conscious of their own strength — their hospitality was offered to white men, as to equals, and they had lost nothing of that air and demeanor, which had always distinguished their ancestors. They were unapprised of the great disparity of numbers and strength, between them and us; nor were they aware, of the corrupting influence, of our intercourse with them. But in a few years after, their fatal delusion vanished, and their last hopes, sunk in despair.

In journeying more recently through the state, in discharging my judicial duties, I sometimes passed over the ground, on which I had seen towns, filled with happy families of that devoted race; without perceiving the smallest trace, of what had once been there. All their ancient settlements, on the route to Fort Defiance, and from thence to the foot of the rapids, had been broken up, and deserted. The battle-ground of General Wayne, which I had often seen, in the rude state, in which it was, when the decisive action of 1794 was fought, was so altered and changed, that I could not recognize it — and not an indication remained, of the very extensive Indian settlements, which I had formerly seen there. It seemed to be almost impossible, that in so short a period, such an astonishing change, could have taken place. Flourishing towns and cities, filled with enterprising white men, and cultivated farms, covered the ground, which thirty years before, was the property and the home, of the independent natives of the forest. The contrast was imposing, and although in some respects pleasurable, it brought to my mind, a train of recollections, of a gloomy, and distressing character. I could not but ask myself, where is the multitude of red people, whom I formerly saw here, contented and happy? Where the chiefs, who welcomed me and my companions to their cabins? And their families, who gath-

ered around, to greet us? What has become of those, whom I have often seen sporting in the water, on the rapids of this river, taking the swift *mus que nong*, with their bows and arrows? When I knew them, they were independent — they lived by the graves of their fathers — they possessed the country, as undisputed owners. It had descended to them, through a long line of heroic ancestors, and they seemed to be unconscious, that their right could be disputed. They, no doubt, expected, that when they were gone, their children would continue to possess it. It was far from their thoughts, that in a few short years, and during their own lives, they would be banished; and compelled to herd with strangers in a strange land. Little did they fear the chilling salutation, so pathetically recited by the bard of Mantua, as addressed to him, when he went to claim his favorite villa, "*haec mea sunt, veteres migrate coloni.*"

You may ask, perhaps, what good can result from such reminiscences? Can they restore the unfortunate aborigines to their former rights, or alleviate the miseries of their present condition? A negative answer must be given to such a question. The fate of that miserable nation is sealed — their destiny is irrevocable. But why should our black crimes, perpetrated on them, be forgotten by ourselves, or concealed from posterity? In my opinion, they should never be lost sight of. They form a dark spot on our national character, which the world sees, and will not forget; and it is proper that we should remember it, and our posterity know it. A remnant of these persecuted tribes, still exists, in the region, to which they have been transported, in the far west; where they have received promises of protection. How long those promises will be regarded, by a government which has so often betrayed them, is a matter of doubt. It is probable, however, that as long as their former injustice is retained in memory, they will be less willing to meet the reproaches of the good and virtuous; which must follow a repetition of their perfidy.

As the establishment of the second grade of government, made it necessary to multiply taxes, it became necessary to provide additional means for the management of the revenue. For that purpose, the offices of territorial treasurer, and auditor of public accounts, were created, and the management of the fiscal concerns of the territory, was committed to those officers. The plan, however, in practice, was very defective, and at the final settlement of their accounts, they were found to be involved in difficulties, which could not be unraveled, or understood. As the debts of the territory, accrued, faster than the means of payment; a resort was had to the credit system. The auditor was authorised to issue certificates, of debts due from the treasury, which were made receivable, in payment of taxes, and passed at a small discount, in the business transactions of the country. As these vouchers, which were called auditor's certificates, multiplied, a joint resolution was passed, at the second session, requiring them to be stamped, as soon as redeemed at the treasury, to prevent them from being re-issued. Although they were printed in a plain manner, no attempt was made to counterfeit them. They answered a useful purpose; and in fact, the operations of the government, could not have been carried on without them. The people saw they were necessary, and did not attempt to undervalue or depreciate them.

When it is recollected, that the inhabitants, at that time, were few in numbers, and scattered over an extensive country — that they were poor — that all their foreign supplies were obtained at a heavy expense, and that the surplus products of their small improvements, could not be conveyed to any distant market; it is matter of surprise, that they were able to sustain the expense of any form of government; and it is evident they could not have done it, without the most rigid economy, in their personal and family expenditures, as well as in the management of public affairs. Officers were few in number, and salaries were small in amount. The largest salaries received in the territory, were those of the

governor, and the judges of the general court, which were paid from the national treasury. In reference to this point, it should be borne in mind, that at the time of which I am writing, the entire territory contained only five thousand white males of all ages; of course, the adults, on whom the burden rested, were few in number, as well as destitute of means.

As a further proof, that the legislature were anxious, not only to encourage industry and frugality, but to check idleness and intemperance; they passed an act, for the appointment of guardians to lunatics and others, which contained a section, authorising the appointment of guardians, to persons who were wasting their estates, by excessive drinking, gambling, idleness, or debauchery of any kind, and declaring that after such appointment, no sale, bargain, or contract, made by such person, should be held valid in law.

When the session of 1799, was drawing to a close, a joint committee, consisting of Mr. Worthington and myself, was appointed to prepare an address to the President of the United States, which was reported to each house. In the council, it passed by a unamimous vote, and in the house of representatives, with five dissenting votes. At that time, great unanimity prevailed in the territory, on political questions; though, the states were rent, and almost torn asunder by party strife. This calmness and unanimity was, no doubt ascribable, principally, to the fact, that the people of the territory had no voice in electing the officers of the general government, and that the general government had very little patronage to dispense among them. For the purpose of showing you that this state of feeling did exist, I will insert the address, it being quite short.

To John Adams, President of the United States:

SIR: — The general assembly of the territory north-west of the river Ohio, believing that the highest reward which a virtuous public officer can receive, is the applause of his

fellow citizens, are anxious to embrace the earliest opportunity of declaring their confidence in your virtue and talents, and their approbation of your official conduct. With a degree of pleasure and exultation, more easily felt, than expressed, we review the history of your important life, replete with proofs of patriotism and virtue. At a period which demanded more than common firmness, we saw you step forward, the resolute supporter of your country's rights. We witnessed your perseverance through the revolutionary war: and to your firmness, we attribute the enjoyment of the rich country we now inhabit* — having acted so conspicuous a part in the establishment of American independence; at the close of the arduous contest, which enrolled the United States on the record of nations, you might have retired to the shade of private life, and enjoyed the approbation of an upright mind, and the applause of a grateful country. But happily for America, you chose to continue in public life, till the confidence of your fellow citizens, at a critical moment, placed you at the helm of state: and permit us, sir, to assure you, that

* When the American and British commissioners were negotiating the terms of the treaty of peace, at Paris, in 1782; Great Britain insisted on making the Ohio river a northern boundary, of the United States. The American commissioners resisted the proposition; principally on the ground, that the territory north of that river, had been conquered by General Clark, in 1778, and was then in the occupancy of the United States. The pertinacity with which this claim was insisted on, induced Doctor Franklin to suggest to his colleagues, Adams and Jay, whether it would not be better to yield that point, than to fail in the object of the negotiation. Mr. Adams, very promptly answered, in the negative; and declared, that sooner than yield the western country, he would retire from the negotiation — return home, and exhort his countrymen, to continue the war, as long as they could keep a soldier in the field. Mr. Jay joined him, and Dr. Franklin concurred. It was well understood, that *the Count de Vergennes*, favored the British claim, and had produced some influence on the mind of Doctor Franklin. But when the final decision of our commissioners, on that point, was known, the claim was reluctantly abandoned, and our boundary was established on the lakes.

we are duly impressed with a sense of the wisdom, justice, and firmness, with which you have discharged this important trust; and we take this early opportunity of assuring you, of our sincere attachment to the American constitution and government, and of our determination to afford every possible support to both.

We believe that, regardless of the voice of party spirit, which has striven to distract our national councils, you have kept the honor and happiness of the nation constantly in view; and we ardently pray, that the wise Ruler of nations, may preserve your health and life.

[Signed,] EDWARD TIFFIN,
Speaker of the House of Representatives.
H. VANDER BURGH,
President of the Council.

In choosing members, to the first territorial legislature, the people, in almost every instance, selected the strongest and best men, to be found in their districts. Party influence was scarcely felt, and I can say with confidence, that since the establishment of the state government, I have not seen a legislature containing such a large proportion of aged, intelligent, discreet men, as there were in that body. Many of them — indeed most of them, were not familiar with the forms, or the practical duties of legislation; but they were sensible men, acquainted with the condition, and the wants of the country, and could form correct estimates, of the operation of every measure proposed. Some of them were men of the first order of talents. Of this class was William McMillan, who occupied a high standing at the Cincinnati bar. He possessed an intellect of a high order, and had acquired a fund of information, general, as well as professional; which qualified him for usefulness, in the early legislation of the country. He was a native of Virginia—educated at William and Mary, and was one of the first adventurers to the Miami country. As he informed me himself, his father was

a rigid Scotch Presbyterian of the strictest order. He educated William for the ministry, and was sadly disappointed, when he discovered, that he was unwilling to engage in that profession. After many serious discussions on the subject, William, who knew his father's prejudices, at length told him, that he would comply with his request, but that it must be on the express condition, that he should be allowed to sing Watt's version of the Psalms. The old gentleman was astonished—rebuked his son, with severity, for his great impiety, but never afterwards mentioned the subject.

Solomon Sibley, of Detroit, one of the representatives from Wayne county, was ranked among the most talented men of the house. He possessed a sound mind, improved by a liberal education — a stability of character which commanded general respect, and a prudence of conduct, which secured to him the confidence and esteem, of his fellow members.

R. J. Meigs, and Paul Fearing, both lawyers of Marietta, represented the county of Washington. The former of these gentlemen, afterwards filled the office of judge of the general court of the territory — judge of the supreme court of the state, governor of the state, and postmaster-general of the United States. The latter, in 1801, was elected a delegate to the Congress of the United States.

Nathaniel Massie, and Joseph Darlington, representatives from the county of Adams, were among the earliest and most enterprising adventurers, to the Northwestern Territory; and shared largely, in the dangers and privations, attending the first settlement of the country. They were useful members of the house, and occupied a high standing in the estimation of the people.

The county of Ross had a representation, which was not excelled in talent and energy, by that of any other in the territory. She selected her strongest men. Worthington, Tiffin, Findley and Langham, were qualified to exert an influence, in any deliberative body, and they did not fail to employ it. They were natives of the state of Virginia,

excepting Mr. Tiffin, who was born in Great Britain; and it was generally understood and believed, that he came to this country, as a surgeon's mate, in the army of Gen. Burgoyne. The first two of these gentlemen, were afterwards senators in Congress, and each of them has been governor of the state. The other two, General Findley and Major Langham, were officers in the army of the revolution, and were distinguished, for bravery and good conduct.

John Smith, one of the representatives of Hamilton county, in point of native talent, and energy of mind, was, probably not excelled, by any member of either house. Though he felt, very sensibly, the want of an early education, yet the vigor of his intellect was such, as enabled him, measurably, to overcome that difficulty. His ambition to excel, urged him to constant application, and soon raised him to a fair standing among the talented and influential leaders of the day. In 1803, he represented the state, in the Senate of the United States, and stood high in the friendship and confidence of Mr. Jefferson. Subsequently, however, his intimacy with Colonel Burr, excited the suspicion, and eventually brought on his head, the vengeance of the administration. Colonel Burr, when on his tour through the western country, in 1806, spent some eight or ten days in Cincinnati. Common report, had ascribed to him a project, for revolutionizing Mexico. The concurrent statement, however, of all who had conversed with him, was, that he had no other object, than the raising of a colony, to settle his Washita lands. Mr. Smith was then a senator in Congress, and had been a member of that body, when Colonel Burr, presided over it, as vice president of the United States—he, therefore, very naturally, invited him to his house, and tendered to him its hospitality, while he should remain in the city. This act of respect and kindness, dictated by high-minded, generous feeling; was the strongest proof advanced, in support of the opinion, that he was a partisan of Burr. A number of persons, then residing in Cincinnati, who were in constant and intimate intercourse

with the colonel, and who were known, as far as certainty, in such a case, was attainable, to have been engaged in his project, whatever it might have been; deserted him, as soon as the storm began thicken. Some of them figured in the trial at Richmond, in 1807, as patriots of the first order. When the governor of Ohio, made his communication to the legislature, on the subject of Burr's movements; which was the commencement of the military displays, familiarly called, at that time, *the Burr war;* it was a matter of amusement, to see these men; who had just before, been the most devoted attendants on the colonel, and the most vocal in his praises, tendering their services to the governor, as volunteers to arrest the culprits, and bring them to punishment. Mr. Smith was a firm, high-minded man—he solemnly affirmed his belief, that Colonel Burr was not engaged, in a conspiracy against his country, and refused to aid in the prosecution, which was carrying on, against him. That was assumed, as additional evidence of guilt, and a bill of indictment, was found against him; but was, afterwards abandoned, without an attempt to bring him to trial. The consequences, however, were fatal to his fame and his fortune.

Mr. Smith told me, that shortly before the movements of Colonel Burr, had excited much attention, Mr. Jefferson requested a confidential interview with him (Smith); at which he inquired, if he was not personally acquainted with the Spanish officers in Louisiana and Florida. On being answered in the affirmative, he went on to observe; that as a war with Spain, seemed to be inevitable, it was very desirable to know the feelings of those officers, towards the United States, and whether reliance could be placed on their friendship, if a war should take place. At the same time, he requested Mr. Smith, to visit that country, with reference to that object. He told me, that he did visit the country, as he had been requested, and on his return, reported that he found the governor, and the inhabitants, generally, not only friendly, but desirous of attaching themselves to the United States.

This was in the summer preceding the *war message*, against Spain, which was sent, confidentially, to both houses of Congress, in December, 1805. That message soon became known, and Napoleon ordered his minister, at Washington, to inform our government, that, if they molested Spain, France would make it a common cause. It is matter of public history, that after that notice, the project against Spain, communicated in the secret message, was given up; and, that about the same time, measures were taken by the administration, to stop the movements of Colonel Burr. The inference which I drew from these facts, was, that Mexico was the object of Burr's preparations.

Although Colonel Burr had been in habits of intimacy with my father and elder brothers, in the revolutionary war, I refused to make his acquaintance, when he visited this place, in consequence of the impression, which the death of Gen. Hamilton had made on my mind. The course, he pursued in that tragic affair, and the manner, in which he precluded explanation, stamped on him, in my estimation, the guilt of premeditated murder. I did not, therefore, see him; and, of course, cannot state any thing on the subject, as coming from him.

The entire delegation from the county of Hamilton, in the house of representatives, consisted of seven. Mr. McMillan, and Mr. Smith, have been already noticed. The other members were Robert Benham, Aaron Cadwell, William Goforth, John Ludlow, and Isaac Martin: all of them, intelligent, substantial men. They and their colleagues, McMillan and Smith, have, long since, been gathered to their fathers, as have the entire delegation from the county of Ross. In fact, there are but three of the whole number, who composed the legislature, in 1799, now surviving—Judge Sibley, of Detroit, General Darlington, of West Union, and myself; and according to the course of nature, we must very soon follow, our departed colleagues, having arrived on the verge of three score and ten.

Though I am not disposed to say much, or indeed any thing, of myself, farther than is necessary, in stating the transactions, in which I participated; yet I am unwilling to conceal the fact, that I was, and always have been, a federalist. Educated in that school, I was taught to confide in the principles of Washington, and his confidential associates, Madison, Hamilton, Franklin, Marshall, Sherman, and others, who stood at the head of the federal party. Those men were the chief agents, in the formation of the federal constitution—in convincing the people, that it ought to be adopted; and in arranging the plan, on which it should be administered. Under their guidance, it went into successful operation, against the opposition of a party, small in numbers, but powerful in talents, which had assumed the name of anti-federalists. In a short time, the new government, in the hands of the federalists, recovered the country, from the universal distress and embarrassment, which the war of the revolution had produced; and was scattering blessings on all classes of the people; when the men, who had resisted its adoption, cast off the name of anti-federalists—assumed the more fascinating one, of republicans, and suddenly, transferred their opposition, from the government, to the administration of it. They commenced a systematic attack on the administration of President Washington—they condemned his leading measures, and formed a plan to bring themselves into office. My judgment convinced me, that they were under the influence of ambitious motives, and were more anxious to gain power, than reform abuses. I had more confidence in the men, who formed the constitution, than in their opponents, who had resisted its adoption.

Soon after the name, anti-federalist, was thrown off, the origin of that party was forgotten. The people were told, that the federalists were aristocrats, laboring to give the constitution, the substance, as well as the form, of the British government. These charges were made so repeatedly, and came from such high places, that the nation, at length,

believed them. The framers of the constitution, were set down, as its worst enemies, and its original opponents, as its best friends. The name of the party, of which Washington had been the head, became a term of reproach, indicating the very reverse of its true and genuine meaning. I knew, however, that it implied, neither more nor less, than devotion to the new federal government, and that it was used, to designate the friends of that instrument, from those who opposed its adoption by the state conventions, and who called themselves anti-federalists. For that reason, although the party has long ceased to exist; the great majority of them, being in their graves, I retain, and cherish the name, as descriptive of the purest republican patriots, the country has ever produced.

When the party slang of the day, which is still kept alive, for sinister purposes, shall have done its work, and be forgotten; the historian, without risk to his popularity, will do justice to that abused, persecuted, misunderstood party. He will record, impartially, their leading agency in the war of the revolution—their zeal in the formation and establishment of our happy constitution—their influence in raising the country from poverty to affluence, and from the contempt of Europe, to the confidence and admiration of the world. He will cause it to be known, and acknowledged, that before they were driven from power, they had saved the nation—established her character—renovated her energy, and laid the foundation of all her subsequent prosperity. A consciousness of these truths, prompted Mr. Jefferson, at the moment, he took the reins of government, from the hands of the federalists, to declare, in his inaugural address, "we are all republicans, we are all federalists."

Very respectfully,

J BURNET.

J. DELAFIELD, JR.

LETTER V.

CINCINNATI, DECEMBER, 1837.

DEAR SIR:—In a former letter, I made some general remarks, relating to the convention, which formed our state constitution; and the motives of those, who resisted that measure. I now propose to communicate some information, more specific, on those points. And it is worthy of remark, that the advocates, for the immediate formation of a state government, in 1802, were unwilling to trust the decision of that question, to the territorial legislature, or to confide to them, the power of calling a convention. They, therefore, petitioned Congress, to take the power into their own hands, and to order a convention, without consulting the legislature of the territory. In pursuance of that application, in April, 1802, Congress passed a law, authorising the inhabitants of the eastern division, to form a constitution, and state government—prescribing the boundaries of the state—fixing the number of members, to be chosen, for each county, declaring the qualification of electors, and the time and place of holding the election. The provisions of this act, except so far, as related to the right of forming a constitution, were considered by many, as assumptions of power, not warranted by the ordinance; and an infringement of the constitutional rights, of the local legislature. It was, however, silently submitted to, and the members of the convention, thirty-five in number, were chosen in the manner prescribed by that act. The result of that choice, was highly creditable to the intelligence of the inhabitants; as with but few exceptions, the most enlightened men in the country, were selected. Among the ten delegates from Hamilton county, was our esteemed fellow-citizen, Jeremiah Morrow, who has since filled such an ample space in the confidence of the nation.

Francis Dunlavy, a veteran pioneer, of talents, of liberal education, and of unbending integrity, was one of the number. John Smith and John Riley, were also chosen, both of them, men of strong minds, and irreproachable characters. Among the delegates from Jefferson county, was Bazaleel Wells—from Adams, General Darlington—from Ross, General Massie, Governor Worthington, and Governor Tiffin—from Trumbull, Governor Huntington—from Washington, Ephraim Cutler, Benjamin Ives Gilman, and the venerable General Putnam: all of them men of vigorous minds, and high standing in the confidence of their fellow-citizens.

On the first Monday of November, 1802, the convention assembled at Chillicothe. It was composed of the following members, viz: From the county of Adams, Joseph Darlington, Thomas Kirker and Israel Donaldson—from the county of Hamilton, Francis Dunlavy, John Paul, Jeremiah Morrow, John Wilson, Charles Willing Byrd, William Goforth, John Smith, John Riley, John W. Brown and John Kitchell—from the county of Ross, Edward Tiffin, Nathaniel Massie, Thomas Worthington, Michael Baldwin and James Grubb—from the county of Jefferson, Rudolph Bair, John Milligan, George Humphrey, Bazaleel Wells and Nathan Updegraff—from the county of Trumbull, Samuel Huntington and David Abbot—from the county of Belmont, James Caldwell and Elijah Woods—from the county of Fairfield, Emanuel Carpenter and Henry Abrahams—from the county of Washington, Ephraim Cutler, Rufus Putnum, John McIntire and Benjamin Ives Gilman—from the county of Clermont, Philip Gatch and James Sargent. On the succeeding day, they elected Mr. Tiffin, president, and Thomas Scott, secretary. Before they proceeded to business, Governor St. Clair proposed to address them, in his official character, as the chief executive magistrate of the territory. This proposition was resisted, by several of the members; but after discussion, a motion was made, and adopted, by a majority

of five, that "*Arthur St. Clair, sen., Esquire*, be permitted to address the convention, on those points, which he deems of importance." The phraseology of this resolution, compared with the proposal of the governor, may give rise to a question, whether it was not intended to mortify his feelings. On that subject, it is unnecessary for me to express an opinion. A resolution was then offered, declaring it to be expedient, *at that time*, to form a constitution and state government; which was adopted by a vote of thirty-two, to one—Mr. Cutler, of Washington, voting in the negative.

Early in the session, the different articles, which it was proposed to introduce into the constitution, were referred to separate committees. A resolution was also offered, declaring, in substance, that after the constitution was finished, and before it went into operation, it should be submitted to the people, for their adoption, or rejection. This proposition was strictly republican, under any circumstances; and particularly so, as neither the people, nor their representatives, had exercised any agency, in forming the law, by which the convention was called; or in prescribing the principles and conditions, on which they were to act. Yet it was rejected, by a vote of twenty-seven to seven, and the constitution was declared to be obligatory, without the assent of the people. Some persons ascribed this decision, to an over anxiety to bring the new government, into immediate operation; as it was understood, that the offices to be created, both federal and state, would be filled by members of that body. Others ascribed it, to a fear, lest the people might be induced to reject the constitution, in the form, in which it had been prepared; which might have rendered another convention necessary. Without stopping to speculate on these suppositions, for the purpose of showing their probability, or improbability, let me say, they are mentioned merely as historical facts, to be known and appreciated, at what they may be worth; and that at this day, the most fair and charitable inference, would be, that the convention was influenced, by

an honest desire, to save labor, and strife, and prevent, what they believed would be, an unnecessary loss of time. You and others can decide, whether such considerations were sufficient, to justify, the course pursued. It was certainly a bad precedent, and, at the commencement of our political existence, was sufficient to excite alarm for the future.

As the territorial legislature, was in existence, and stood adjourned, to meet at Cincinnati, in November, a resolution was passed, directing President Tiffin, to request the governor to dissolve, or prorogue that body. This precaution was unnecessary, as no disposition existed, among the members, either to embarrass, or in any way, to interfere, with the movements of the convention. The day appointed for the meeting of the legislature passed by — the members remaining at home, as by common consent. No attempt was made to convene it, till its existence terminated, and it was succeeded by the general assembly, under the state constitution.

On many of the questions, discussed in the convention, great diversity of opinion, and much warmth of feeling, was manifested, as might naturally be expected. This was particularly the case on the various propositions, which were offered, relating to the people of color, then residing in the territory. Some were disposed to declare them citizens, in the fullest sense of the term, while others contended, against allowing them any other privilege, than the protection of the laws, and exemption from taxes, and militia duty. Propositions were made to declare them ineligible to any office, civil or military, and to prevent them from being examined as witnesses, in courts of justice, against white persons; and on some of these questions, great bitterness was manifested. The result of those discussions, was an abandonment of all the propositions, which had been made, and a general conviction, that a constitution should be formed, for the free white population of the district, who alone, were represented in convention — that its phraseology should be so guarded, as to show, that people of color, were not considered as parties

to the compact, and that, as they had no agency in its formation, so they should have none in its administration. With that view, they were carefully excluded from the description of persons; considered as citizens of the several counties, to be represented in the general assembly. It is a leading principle of the constitution, that representation shall, always be in the proportion of population, and of that population, which was understood to compose the entire body, by whom, and for whom, the compact was made. Every county is entitled to a representation, in proportion to the number of its citizens; of course those only, who are included in the class, for whom a representation is provided, can be considered as citizens. Persons of color are not included, and, therefore, cannot be such. This shows the reason, why that class of people, are not to be included, in the enumeration of citizens, directed by the constitution; and why the legislature are required to apportion, both senators and representatives, among the counties, according to the number of *white male* inhabitants; and also, why the right of suffrage is confined to the white population. Every person, who reads the constitution, will discover, that people of color cannot be represented in the legislature, and that they have not, and cannot have, any agency in conducting the government, or in making and administering the laws. In these respects, they stand on the ground of aborigines, who remain in the state, after they have ceded their lands to government. While they are suffered to remain, they have a moral right to claim the protection of our laws, and to be treated with justice, and humanity; but, beyond that, they can have no claims.

The third article, which creates the judicial power of the state, gave rise to some difficulty. The temporary seat of government, being established at Chillicothe, the delegates from some of the populous counties, remote from that place, objected to the establishment of a supreme court, to be held at the seat of government, with courts of nisi prius, for the trial of issues of fact. They were unwilling to yield the

claims of their own counties; and it was soon found, that a majority could not be had, to locate the court, in any county. To get over this difficulty, the novel, embarrassing, plan was adopted, of holding a supreme court, at least once a year, in every county in the state. That unfortunate requirement, has been attended with great inconvenience; and has, it is believed, prevented the legislature, from attempting to improve the judicial system of the state. One evil arising from the plan was, that the judges were required to be on horse-back, nearly half the year, and to decide important questions of law, in great haste, and often without access to law books; and as the same judges, were not always present, it sometimes happened, that the same point, was decided differently, in different counties. To avoid those evils, as far as possible, the legislature have directed a special session, of all the judges of the supreme court, to be held once, in each year, at the seat of government, for the consideration and decision of questions of law, reserved, when sitting in the counties. This arrangement has, in a great measure, removed some of the difficulties, before noticed.

The manner, in which the convention arranged the courts of common pleas, has also been found inconvenient, and expensive.

The positive requirement, that there shall be associate judges for each county, precludes the possibility of modifying those courts, so as to have them composed, entirely, of legal characters. It was the opinion of the bar generally, that the judges of the supreme court, and the presidents of the common pleas, ought to have been appointed during good behaviour. Serious fears were entertained, that the short term of their office, would lead to a want of stability, and uniformity of decision, and might bring them under the influence of leading political men. This opinion, was predicated on the same reasons, which are assigned in England, in favor of the independence of their judges. It has always been thought in that country, that to secure the just admin-

istration of the laws, in all cases, to all orders of men, those, by whom they are administered, should feel themselves, alike independent of the power of the crown, and of popular caprice. Fears were also entertained, that in times of high party excitement, judges would be selected, rather for their political opinions, than their legal acquirements. How far this apprehension has been realized, I give no opinion. One remark, however, I cannot forbear to make. The matters referred to, show the danger of descending to too much specific legislation, in the formation of constitutions, for representative governments. In arbitrary governments, whose charters are considered, as concessions to the people, from the crown; the more full and specific they are the better; but in republics, where all power rests with the people; and the government, of right, can exercise only such portions of it, as have been delegated, the case is very different.

It was known, that some leading members of the convention, felt an interest in the formation of new counties, and in the location of county seats, and it was supposed, that this had an undue influence, in determining the minimum size of counties. Be that as it may, it is very evident, that the provision on that subject, has resulted in the formation of small counties, throughout the state, and has burdened the legislature, with endless applications, to razee large counties to the minimum of the constitution, for the purpose of forming new ones. The plea of convenience, urged in favor of that policy, is very far overbalanced by the pressure of the expense of small counties, and the impossibility of placing their institutions, and improvements, on a respectable footing.

The great leading principles, which characterize the constitution, have met with general approbation; though it was feared, that in some instances, the equalizing principle, was carried too far, for the safety and stability of our institutions. There was an honest apprehension, that the popular election of officers, who could not discharge their duty, with strict fidelity, without coming in contact with the feelings, and

prejudices of those, on whose favor, they depended for a re-election, might be productive of unfavorable results; but experiment has shown that the danger was not as alarming, as was anticipated. The mode of appointing officers in the militia, was particularly objected to, by men of military experience; and it is certain, that under the plan devised, the organization and improvement of the militia, has not equaled the public expectation; nor has it, very materially, increased the efficiency of our means of defence. Having myself, no pretensions to military knowledge, it would be presumptuous in me, to account for the difficulty. I may say however, that military men ascribe it to the provision, which authorises the militia, to elect the officers, by whom they are commanded.

No person can read the constitution, without being struck with the very limited power, confided to the governor. In a former letter, I suggested the probability, that this defect, might be attributed to the impression made on the minds of the members; by the manner, in which the chief executive of the territory, had executed the powers given him by the ordinance. They had that example before their eyes, and, it might be expected, that as their attention was fixed on the danger, of too much executive power, they should err, by going to the other extreme.

The question of boundary, though not connected with the rights, to be secured to the people, or the powers to be delegated to the officers of the state, was one of great importance. It is known, to every person who has attended to this subject, and who has consulted the maps of the western country, extant at the time the ordinance of 1787 was passed; that lake Michigan was believed to be, and was represented by all the maps of that day, as being, very far north of the position, which it has since been ascertained to occupy. I have seen the map in the department of state, which was before the committee of Congress, who framed and reported the ordinance, for the government of the territory. On that

map, the southern boundary of Michigan, was represented as being above the forty-second degree of north latitude. And there was a pencil line, said to have been made by the committee, passing through the southern bend of the lake, to the Canada line, which struck the strait, not far below the town of Detroit. That line was manifestly intended by the committee, and by Congress, to be the northern boundary of our state; and on the principles, by which courts of chancery construe contracts, accompanied by plats, it would seem, that the map, and the line referred to, should be conclusive evidence of our boundary, without reference to the real position of the lake. When the convention sat, in 1802, the prevailing understanding was, that the old maps were nearly correct, and that the line, as defined in the ordinance, would terminate at some point, on the strait, above the Maumee bay. While the convention was in session, a man who had hunted, many years, on lake Michigan, and was well acquainted with its position, happened to be in Chillicothe; and in conversation with one of the members, told him, that that lake extended much farther south, than was generally supposed, and that a map of the country, which he had seen, placed its southern bend, many miles north of its true position. This information, excited some uneasiness, and induced the convention to modify the clause, describing the north boundary, so as to guard against its being depressed, below the most northern cape, of the Maumee bay. Would it not have been better, at once, to claim the line, indicated by the maps extant, and assumed to be correct, when the ordinance was formed, and by which, Congress was unquestionably governed, when they divided the territory into states? Such a claim could have been maintained, with greater propriety and effect, than the hypothetical one, set up in the constitution; and particularly so, as we were entitled to the temporary possession, and jurisdiction, of the entire territory east of our western boundary, from the Ohio to the Canada line.

Some excitement was also produced in the convention, by the various motions, which were made on the subject of salaries and compensation; but on the whole, the business of the session was conducted and closed, with as much harmony, as is usual on such occasions. Before they separated, an address was adopted to "the president of the United States, and both houses of Congress," expressing their gratitude for the favors, they had received from government, and their approbation of the principles on which it had been administered. A resolution was also passed, authorising the president of the convention, to take charge of the new constitution, after it should be signed, by all the members, and to deposit it, in the office of the secretary of state, as soon as that officer should be appointed. The minority in the convention, and throughout the territory, considered the first of these resolutions, as conveying a very gratuitous, and unmerited compliment. The preceding administrations had treated the people of the territory, justly. They had not denied them any thing to which the ordinance gave them a right: and this is about all, that could be said, in their favor, with the exception of the indulgence they had given to purchasers of land, in the Miami grant, without the limits of Judge Symmes' patent. The administration, which had then just succeeded, had done nothing for the territory, except the passing of the act, for the formation of a state government, on conditions, which were considered hard and oppressive.

If a view be taken of the manner, in which this convention was called, and the condition of the territory, at the time; some interesting reflections naturally follow. A territorial legislature was in existence, vested by the ordinance of 1787, with complete legislative power. Congress was not authorised to interfere with our local legislation, under the second grade of government. The formation of a state government, was a matter belonging wholly to the legislature, and people of the territory. Whenever the population of the district, should amount to sixty thousand, the ordinance gave the

right of forming a constitution, in conformity with the principles, which it laid down. Before that period, Congress had power to permit a state government to be formed, or to refuse such permission. When they had acted on that question, their power was exhausted, and as to every thing else, the territory stood unshackled. Yet, placing themselves between the legislature, and the people, they assumed the power of ordering a convention, and of dictating all the detail connected with it. They extended the right of suffrage, and thereby committed a palpable violation of the ordinance, which had fixed the qualification of electors, so that it could not be changed, without the consent of our legislature. In short, the legislature, which was the only constitutional organ of the people, was passed by, with silent indifference. Their authority was disregarded—the power of the general government was interposed, and a course pursued, which might, with propriety, have been called revolutionary. It was, however, submitted to by the minority, and no efforts were made to retard, or embarrass the majority, after Congress took the management of the matter, into their own hands. Indeed, such an attempt would have been useless, and very probably worse than useless. Such being the state of things, one would suppose that a constitution so formed, and emanating from a source of power, so remote from the people, ought to have been submitted to their consideration, and decision. But the resolution to that effect, was overruled, by the majority; who determined to decide the question themselves, without asking the advise, or consent of the people.

It is well known, that the act of Congress, authorising the people of the eastern district of the territory, to form a constitution; offered certain propositions, for the free acceptance, or rejection of the convention. One of the propositions was, that they should pass an irrevocable ordinance, declaring that all lands thereafter sold by Congress, should be and remain, exempt from tax, for any purpose whatever; for the term of five years, from and after the day of sale. In a subsequent

act, that ordinance was referred to, as the consideration of the grants, made by Congress, to the state. The course, which the convention took, with these propositions, was somewhat singular. It was generally understood, that they were to be accepted or rejected, unconditionally, and that the action of the convention, either way, would be final. Such, however, was not the fact. The members generally, seemed to be convinced, that the donations proposed by Congress, were not an adequate consideration, for the right, which they were required to relinquish. But instead of rejecting the propositions, as it was believed they ought to do; they passed an ordinance, in which they resolved to accept them, provided certain additions and modifications, should be agreed to by Congress. The prevailing opinion among those, with whom I associated, was, that they were not authorised to pursue such a course. Their powers were specifically stated in the act of Congress, under which they were elected; and there was no ground of pretence, that the people delegated to them, other, or greater powers, than were there expressed. If this be correct, it may be asked, where did they find their authority; to open a negociation with Congress, for the purpose of obtaining better terms? It seems to me, that a power given, expressly, to accept, or reject a distinct proposition, does not authorise the agent, so empowered, to propose new terms, or to modify the proposition, or to accept it on conditions, or with alterations of any kind. The act of Congress required the proposition to be freely accepted, or rejected; and so far as that question was involved, the delegates were elected for that purpose, and that only. They, however, did not so understand it, but considered themselves empowered to negociate for better terms, and to accept, on behalf of the people, a modified proposition, and consequently a different one, from that, which was submitted to their decision. But whether the construction, which they gave to their power, was right or wrong, is now a matter of no moment, as both parties have acquiesced in it, for thirty-five years, and consequently,

the time for calling it in question, has passed by. The relinquishment of the taxing power, as far as the ordinance, or compact, affected it, must now be considered as conclusive on the parties. It is, however, far from being certain, that it has not, in practice, been carried much farther, than the terms, in which it is couched, will justify. The ordinance, agreed to by the convention, declared, that every tract of land sold, or to be sold, by Congress, from and after the thirtieth day of June, should be, and remain, exempt from any tax, etc., for the term of five years, to be reckoned from the day of sale. The construction given to this ordinance, has been, and still is, that the state has relinquished the right of levying a tax on any land within her limits, until it shall have been sold by Congress, and till the expiration of five years from and after such sale. I must say, that this was not my construction of the contract. It appears to me, a self-evident conclusion, that the ordinance does not extend to any land, until it has been sold by Congress, and consequently, that no tract in the state, which has not been sold, is covered, or protected by it. I cannot, at this distant day, state with confidence, what was the prevailing opinion in the convention, on this point. It is my impression, however, that a majority, considered the right of taxation, entirely abandoned; though, no doubt, many of them, came to that conclusion, by assuming, that the state would not possess the power of levying *any tax* on land, belonging to the nation. Such, undoubtedly, was the case, under the territorial government; though there were some, who doubted the obligation of that instrument, on the ground, that it was *ex parte*, and never, formally assented to by the people of the territory. The inclination of my own mind, was then, and is now, that as long as the territorial government continued, the ordinance was obligatory, in all its parts, on the inhabitants. They gave their implied assent to it, when they voluntarily settled in the country, and claimed its protection. A similar conclusion may be drawn from the circumstance, that both the soil and jurisdiction, at that time,

were vested, in trust, in the general government. As long as those rights united in them, their power to dispose of either, for the purposes of the trust, could not be questioned; and it appears to me, that they continued, till the time when, by the conditions of the act of cession, the people acquired a right to form, and did form, an independent state government, but no longer. When that period arrived, the jurisdiction of Congress necessarily terminated, and if the new federal constitution had not been adopted, in the meantime, the state of Ohio would have possessed all the attributes of sovereignty, which Virginia exercised, at the date of her act of cession, and would have become the proprietor, in her own right, of all the land not previously disposed of, by Congress; for the same reason, that by the acknowledgment of the independence of the colonies, at the peace of 1783, Virginia acquired the right of soil, and jurisdiction, in all the lands undisposed of by the crown, within her limits. The act of cession having guaranteed to us the right of forming an independent state government, and of being admitted into the Union, in all respects, on a footing with the original states, the power and the rights of the old confederation, in Ohio, must have been the same as they were in the other states. The privileges reserved by Virginia, for us, had a direct reference to the powers and rights enjoyed by the original states, when the deed of cession was made; and no other restriction was contemplated, than might have been imposed by Congress, on the original states, if the general government had undergone no change. Suppose, then, for a moment, that Ohio had been erected into a state, and admitted into the Union, before the adoption of the present federal government; could Congress have claimed greater or other powers over her, than she exercised over Virginia? If not, in whom would the right of soil, and the power of taxation have vested? Virginia held an undisputed right to both, and it seems to me, that Ohio must have been placed in the same situation, or her rights of sovereignty, would not have been equal, to those of the other

states; which is expressly required by the act of cession. If I have been able to understand that act correctly, the entire grant made by it, to Congress, is in the nature of a trust, in part, for the benefit of all the states separately, in the proportions expressed; and in part for the inhabitants residing, or who should thereafter reside within the ceded territory. It seems to have been taken for granted, that Congress would dispose of the soil for the use of the states, before the territory contained a population, sufficient to authorise the establishment of state governments, within its limits, which they certainly might have done, by pursuing the policy, which had always prevailed in Virginia. This may be inferred from the fact, that the act of cession contains no reservation of right, to Congress, after the formation of state governments; although the terms used in the deed of cession, are sufficiently comprehensive, to vest in the new states, all rights which Congress had not previously disposed of. On this subject, the act is peremptory, declaring that the cession is made "on condition, that the territory so ceded, shall be laid out and formed into states, containing a suitable extent of territory, etc., and that the states so formed shall be distinct, republican states, and admitted members of the federal Union; having the same rights of sovereignty, freedom, and independence, as the other states." Now what were the rights of that character, possessed by the other states, under the old confederation? The answer to this question is important, for it will decide what our rights would have been, under that government. Each of the original states, was perfectly independent, of all other powers, except so far as the allegiance due to the confederation, limited them; which you know, was but little more than nominal. In the management of state affairs, they were perfectly independent. Congress had not power to levy a cent of tax, in any state, or to interfere with the exercise of that power, by the states. They could obtain money, only by requisitions, which they had no power to enforce, nor could they, as a matter of right, acquire,

or hold real estate, without the consent of the state legislatures. Now the same degree of sovereignty, and independence, was secured to the new states. From the premises, does it not follow, that, if the old confederation had continued, Ohio would have had, not only the right of taxation, but would have become the owner, of all the unsold land, within her limits?

It is a question, more difficult to decide, how far the adoption of the new federal constitution, and our consent to become a member of the Union, under it, has varied the rights, which we might have claimed, if no change in the general government had taken place? I have given you the words, in which the rights of the new states are reserved, in the act of cession. The ordinance of 1787, in conformity with that act, contains the following provision, "and whenever any of the said states, shall have sixty thousand free inhabitants therein, such state shall be admitted by its delegates into the Congress of the United States, *on an equal footing with the original states, in all respects whatever.*" The act authorising the formation of a state government, declares, that the state when formed, shall be admitted into the Union, on the same footing with the original states, *in all respects whatever.* Assuming the fact, that these documents guarantee to us, the same extent of sovereignty, as is enjoyed by the old states, and subject us, to the power of Congress, no farther, than other states are subject to it, our rights and powers may be known, by ascertaining theirs. Although the powers of the general government have been greatly enlarged, and the retained rights of the states, proportionably diminished, by the present constitution, yet every state claims, and exercises, the power now in question. Yielding the point, as I do most cheerfully, that the concessions to the general government, by the present constitution, to which we have voluntarily become a party, secures to them forever, the original disposal of the right of soil—yet I must insist, that the right of taxation, would have remained to us

unrestricted, and above the reach, or control of any other power, if no portion of it had been surrendered, by the convention. I put this proposition on the plain, simple ground, that all the original states possess it, and that we have the strongest guarantee, that can be created by compacts, that every right of sovereignty possessed by them, shall belong to us. Is there, I ask, an acre of land in any one of the old states, to which the legislature cannot extend its revenue laws, unless they have exempted it, by their own acts, as is sometimes done? I also ask, if the same power of legislation, be denied to us, can it be said, that we are placed on an equal footing, with other states, *in all respects whatever?*

After having viewed this subject, in every light, in which it has been presented to my mind, I cannot come to any other conclusion, than that the state of Ohio, if she had insisted on it, at first, was vested with the power, to tax the lands of Congress, in the same manner, as she did those of indviduals, and that the concession of our convention, did not interfere with that right, farther, than to suspend it, as to lands sold by Congress, for the term of five years, from the date of the sales respectively, leaving to the state, a perfect right, to tax their unsold lands.

When the proposition was first made, to go into a state government, I believed it to be premature, as did many of the most intelligent citizens of the territory; and when the act of Congress was passed, containing the conditions to be submitted to the convention, I opposed them, from a conviction, that they were intended to cover much more, than appeared on the surface. Those who maintained a contrary opinion, relied principally on the ordinance of 1787, and on the allegation, that we were too weak, to resist the will of government, or to prevent them, from carrying into effect, their own construction of the act of cession, and of the ordinance, for the government of the territory. Those who thought with me, contended, that although we were bound by the provisions of the ordinance, as long as the territorial government

continued, yet, that it lost all its force, as soon as that government was abolished, and a state constitution established.

It was contended, that Congress, under the old confederation, did not possess the power of legislating for independent states, then existing, or thereafter to be formed—that the articles of confederation, did not vest them, with such power, and that they could not take from the people, rights which belonged to them, as political communities. It was admitted, that they owned the soil, and might protect their rights to the primary disposal of it; but that they could not, by any act of their own, exempt it from the common liabilities of all other land, lying within the limits of the state. That the legislature of a sovereign state, necessarily possessed the power, of taxing all property within its boundaries, without stopping to inquire, to whom it belonged. That, if the state of Virginia, in her act of cession to Congress, had reserved the fee of any portion of the land, for her own use, having parted with the jurisdiction, she could not have claimed an exemption from taxation, and that she could not grant privileges to Congress, which, a reservation in her own favor, would not have secured to herself. The minority also contended, that the ordinance of 1787, was to be considered as a rule, established by Congress, for the preservation and disposal of such rights, as they had acquired, under the act of cession; and not as affecting, in any manner, the rights secured by the same act, to the inhabitants of the territory, after they should become independent states. It was further contended, that whatever might be the obligatory force, of that instrument, while the territory was in the condition of a colony, it could not be construed, or extended, so as to destroy the condition, in the act of cession, that the states to be formed in the ceded territory, should have the same rights of sovereignty, freedom, and independence, as the other states.

We believed that the inhabitants of the district, had rights in the trust, created by the act of cession, which were to be ascertained and settled, by reference to the relative rights and

powers of Congress, and of the states, as they were, under the old confederation. That the increased power of the general government, under the present constitution, could not affect us, more than it did the old states, and consequently that we must possess every attribute of sovereignty, retained by them, and to the same extent, We contended that Congress had no check on state legislation, further than had been expressly given by the constitution—that her own power of taxation, was delegated, and restricted—that she could not check the taxing power of the states, further than was expressly authorised by the constitution, which gave her no such power in reference to lands, whether they belonged to herself or others.

The only clause in the constitution, which bears on this matter, is that, which provides that "Congress shall have power to dispose of, and make all needful rules and regulations, respecting the territory, or other property, belonging to the United States." It may be proper here to remark, that in 1802, some portion of the minority maintained that Congress could not claim the fee of land, not disposed of, prior to the formation of our state government. They held that our rights under the deed of cession, could not be lessened by the constitution, subsequently adopted, and that our claim to the fee, was not impaired by it. From this opinion, the minority, generally, dissented. It was their belief, that all the states, formed, and to be formed, were equally affected by the powers given to the general government, by the new constitution; one of which was, that they might dispose of, and consequently, that they might continue to own, the territory, or other property, belonging to the United States. But it was insisted, that they held it, as private individuals, subject to the constitutional legislation of the state, in which it might be. I can see no reason, why the federal convention, inserted the above clause in the constitution, unless they supposed, that without it, the fee in the soil of the territory, would vest in the new states, as soon as

they should be formed. If they had believed, that Congress, under the old confederation, could hold real estate, within the limits of a state, and that the conditional cession by Virginia, vested them with such a title, as would survive the formation of state governments, in the territory, the clause was altogether useless. It would have been asking the states to cede to them, what they before possessed.

The plain conclusion of the matter is, that in the opinion of the federal convention, the title to the land in the territory unsold at the formation of the state governments, would vest in the states, within whose limits it might be, unless, the right of Congress was secured and perpetuated, by a provision in the constitution, to that effect. It was my opinion then, and I still believe, that the title has been secured to Congress; but I am far from admitting, or believing that a naked right to own, regulate, and dispose of property, carries with it an exemption from the operation of the general laws of the state, in which it lies. Almost every mode of raising revenue, by indirect taxation, having been given up, by the states, to the general government, they are dependent, in a great measure, on a land tax for their own support. The framers of the constitution knew, that this was the case, and that a direct tax on land, would be levied in most, if not in all the states, and most certainly in the new states. The inference from these considerations, seems to be, that if they expected, not only to retain the land, but to hold it exempt from the revenue laws of the states, they would have so provided. The insertion of the one, and the omission of the other, show their intention. It indicates, very clearly, that their object, was to protect their title only, and, that being guaranteed, that they were willing to submit to the same legislation, to which all other proprietors were liable. And, why, it may be asked, should they not do so? Certainly, they are not less able to meet the assessments, rendered necessary by the wants of the state, than individuals are, and it would be difficult to assign a good reason, in favor of a

discrimination. If the convention of 1787, had believed, that the trust, to manage, and sell the right of soil, in the territory, would have passed from the old confederation, to the new, and that in their hands, it would have survived the establishment of the new states, we cannot imagine a motive, for introducing it as a power then to be ceded by the states; and for the same reason, if this grant had been intended, to secure an exemption, from the force and effect, of the revenue laws of the states, we must conclude, that it would have been so expressly stated.

As a further argument, that the national convention, did not pretend to set up for the United States, a right to hold, or acquire, real estate, within the limits of any state, or to exempt it from the action of state laws, without an express grant from the states, to that effect, the minority referred to the provision in the eighth section of the first article of the national compact, which is a schedule of the rights and powers asked for, and conceded to the general government. They relied, principally, on that clause, which authorised Congress, to obtain by cession, of particular states, a district not exceeding ten miles square, and to exercise exclusive legislation over it, and to exercise like authority, over all places purchased *by the consent of the legislature of the state*, in which the same shall be, for the erection of forts, etc.

This, and the preceding extract, it was believed, manifested very conclusively, the view, which the convention of 1787, took of this subject, and that the inference to be drawn from them was, that the general government could neither acquire, or hold title to real estate, within the limits of any state, without an express grant of power, for that purpose. The phraseology in the last extract, is very peculiar. The first branch of it, limits the right, to receive by voluntary concession, to a quantity not exceeding ten miles square, and the second is confined to places, purchased for specified objects, by the consent of the legislature of the state. Now, why

were these limited, restricted rights, asked for, and conceded, if Congress would have possessed them, without an express grant from the states? If Congress could not *hold* property without the consent of the state, in which it was, how could they hold it, exempt from the general laws of the state, without a similar consent?

Having now given a concise view of the grounds, on which the minority maintained their opinion, on the taxing question, in 1802, I will close this letter, with a few remarks on the state of parties in the territory, at that time. It would be needless to say, that the people, as well as their leaders, were much divided. A large majority, however, were in favor of the new government.* The feelings and passions, on both sides, were highly excited, and much personal rancor was indulged. The arguments advanced by the minor-

*As soon as it was ascertained, that the law authorising the establishment of the state government, excluded the people of Detroit and its vicinity, they remonstrated with much warmth, and claimed their right to become a part of the state, about to be formed, till their numbers should entitle them to a state government of their own. They complained of the separation, as unconstitutional, and oppressive, and declared their determination, not to submit to it. Being, personally, intimate with most of the leading men in that county, several of them wrote me, on the subject, in language of bitter complaint, requesting my advice, as to the course they ought to pursue, to secure the right guaranteed to them by the ordinance. Their letters were answered, with the temper and feeling, which the political state of the country was calculated to produce. My opinion coincided with theirs, on the question of right. I did not believe, that Congress could separate them, constitutionally, from the new state, without their consent. It was not long, however, before they changed their views. They became convinced, that it was their interest to have a separate territorial government, which would make it necessary to establish a number of desirable offices.

For the purpose of making peace at the seat of government, by casting their own political sins on my head, they put my letters into the hands of Mr. Jefferson, who showed them to Mr. John Smith, of this place, and intimated a disposition to have them noticed; as being of a seditious character; but, as Mr. Smith informed me, after consultation, he concluded to let them pass, paying a compliment to my pen at the expense of my patriotism.

ity, were not listened to. They were called aristocrats, and enemies to the people. Their motives were questioned, and their patriotism, and fidelity to the interests of the territory, were impeached. They, on the other hand, alleged, that their opponents were actuated by personal considerations, and that popularity and office, were the objects of their pursuit. You will naturally and correctly conclude, that such a state of things, was calculated to produce any thing, rather than confidence, and good feeling. The fact is, that between those, who had been warm personal friends, enmity was produced, which continued for many years, and in some cases, till it was terminated by the death of the parties. But passing over the criminations, and recriminations, of that animated contest, which were numberless, and in many instances, of the bitterest character; let me state, in a few words, the ground on which the parties placed themselves. On the one side, it was contended, that our government was anti-republican — that the inhabitants did not enjoy the political rights which belonged to freemen — that neither the governor, the general court, or the legislative council, were amenable to the people — that the power of appointing to office, possessed by Congress, was dangerous — that it had been abused — that the governor controled the will of the representatives of the people, and that there was no remedy for these evils, but a change of government.

On the other hand, it was contended, that notwithstanding these allegations were true, in point of fact, yet they produced but little injury in practice — that they were the unavoidable result, of the plan, adopted for the settlement of the territory; originally admitted to be wise, judicious and benevolent — that the objections to the government, were rather theoretical defects, than practical evils — that the exercise of the appointing power, by Congress, was fully compensated for, as they paid the officers, whom they appointed — that the inhabitants of the district were too few, and too poor, to bear the expense of a state government —

that our numbers were rapidly increasing — that in two years at most, we should have a population, which would entitle us to become a state, without conditions, or restrictions, and, that we had better endure the inconveniences complained of, till that time should arrive; when the district would be better prepared to meet the expenses of the change.

These are the leading views, which were taken, by the contending parties of that day; and when I look back, and recollect my feelings, as they then existed; I can readily account for every thing, that transpired. That retrospect, convinces me, that there was an unreasonable warmth, and an unfounded jealousy of motive, on both sides. My own motives were certainly disinterested, and a calm review of the whole contest, satisfies me, that those of my opponents, with but few exceptions, were equally so. My opinion, however, on the subject-matter of the controversy, has undergone no change. It is still the conviction of my mind, that the interests of all concerned, would have been greatly advanced, by the proposed delay; and that the pecuniary, and other benefits, which would have been derived, from the territorial government, during the short time of its proposed continuance, would have far overbalanced the inconveniences complained of. But the contest is over, and almost forgotten. A majority of those, who were engaged in it, are in their graves, and whatever of unmerited abuse, reproach, or persecution took place at the time, I am disposed to throw over it all, the mantle of oblivion.

Very respectfully,

J. BURNET.

J. DELAFIELD, JR.

NOTE.

During the political struggle referred to in the preceding letter, the persons who were most active, in opposing the movements, in favor of a change of government, not only incurred the displeasure and ill-will of their opponents,

but lost all political influence in the formation of the constitution, and the subsequent administration of it. It was one object of the leaders of the revolution, to impress the minds of the people with a belief, that the advocates of procrastination were under the influence of sinister motives. That they wanted to perpetuate the colonial system, because their influence in the councils of the general government, had a controling effect in the management of the affairs of the territory; and because they feared the consequences of giving to the people, the power which legitimately belonged to them. These efforts were successful, to a very great extent. They acted on the suspicion, prejudice, and selfishness, which are to be found in all classes of the community; and especially, in the least intelligent portion of it, which is always the most numerous. Unfortunately, the human family, with but few exceptions, are more disposed to give credence to slander and accusation, without evidence, than to believe a good report, however well it may be corroborated. With such feelings and propensities to operate upon, it was not difficult for our opponents to monopolise, and run away with public confidence, and depress and crush their rivals, as they considered the party to which I belonged. I will not say, that they deviated further from truth nd candor, than is usual with political leaders at this time, nor is it necessary to do so, for the purposes, for which this statement is intended. The spirit, which is now, everywhere, displayed in political strife, may be cited as a standard for that, which existed in 1802. The principal difference is, that, then, our population was estimated by hundreds, but, now, by hundreds of thousands. The spirit of that day was revolutionary. The movement, now, is for reform. Consequently, the weapons then used, were more efficient, and the field of operation more limited. Hence the disparity in the results.

When the proposition was first made in 1800, for a change of government, party influence was scarcely known in the territory. The election of the elder Adams had met with general approbation, and resolutions had been passed, at popular meetings, to sustain his administration, against the encroachments of France. The troop of cavalry, of this place, commanded by General Findlay, in which I had the honor of being a private, presented a flattering address to the President, tendering their services, whenever he might see proper to call for them. Similar offers were made from different parts of the territory; and, in fact, there seemed to be but one sentiment pervading the minds of the people. I can now recollect only four individuals in this place and neighborhood, who then advocated the election of Mr. Jefferson against Mr. Adams. These were Major Zeigler, General Harrison, William McMillan, and John Smith. There might have been one or two others, not remembered. The animated contest, which agitated the states, was not felt among us. The mass of the people were calm and unmoved—

probably four-fifths of them, were entirely reconciled to the election of the successful candidate. An observation, which was made by one of our leading men, I cannot refrain from repeating. It was this, "when I am convinced that skill in describing the qualities and beauties of a flower, or in dissecting the wing of a butterfly, qualifies a man for the duties of the presidential chair, I will vote for Mr. Jefferson;" yet strange to tell, this man became one of his most devoted supporters, immediately after the change of our government. Notwithstanding the calmness of the public mind, on the subject of politics; in relation both to the territory and the general government, prior to the second session of the local legislature; yet, in a very short time after the plan was formed, to obtain a state government, the efforts and the influence of the party advocating that measure, succeeded in producing a high degree of excitement. The attention of the people was directed to the powers and privileges, enjoyed by the citizens of the states, which were contrasted with the restrictions imposed on themselves. The discrepancy was palpable, and it required no great exercise of ingenuity to convince them, that their privileges were unnecessarily withheld, for the benefit of the few, who had ingratiated themselves into the favor and confidence of the general government. The free use which the governor had made of the veto power, and the collisions which had occasionally taken place between him and the legislature, were used with great effect. The character of that officer was assailed with much violence. The injustice, which was done him, by reports and newspaper publications, was so palpable, that Mr. Hammond, who had recently come to the bar, but whose character and talents have subsequently raised him to the highest elevation among his professional brethren, and identified him with the history and politics of the state, commenced a series of numbers in the Scioto Gazette, in which he defended the governor with great ability. Although he knew him, only, as he knew other distinguished men, who had been long in public service; yet he knew enough to be convinced, that he was misrepresented and persecuted. That defence rescued the governor from obloquy, and elevated the writer to a high stand in the public estimation. The appeals, which were constantly made to the people, were addressed to their pride and selfish feelings, and when these avenues were opened, it was not difficult to excite suspicion and doubt, in their minds, and ultimately, to impress them with the belief, that their confidence had been misplaced, and that their supposed friends were their real enemies. Such were the results of the efforts of the reformers, who sought to carry their plans, by destroying confidence in their opponents, and by transforming friendships into enmities. As these plans were developed, and brought to bear on the public mind, their results were felt; and in a very short time, a degree of prejudice was excited, which bore down every man, who opposed the scheme of a state government. My political influence,

and that of my associates, sunk into one common grave. We were proscribed, and as soon as the plan of our competitors was consummated, we submitted to our destiny with a good grace, and withdrew from all participation in the politics of the day. I devoted myself, exclusively, to the duties and labors of my profession. Though proscribed as a politician, I retained the confidence of the community in all other matters. My business, therefore, increased, and kept me constantly employed. I took delight even in that branch of it, which is called the drudgery of the profession. The effect of this course was such, that in 1814, the people took me up, of their own accord, and elected me to the legislature, when I was absent from the state. They re-elected me in 1815, without any solicitation on my part, and it was supposed, that I should have been returned again, the next year, had I not withdrawn my name.

LETTER VI.

CINCINNATI, FEBRUARY, 1838.

DEAR SIR:—I propose, in this letter, to state the circumstances, which led to the purchase of John Cleves Symmes, in the Miami country, and the principles, on which it was made. You recollect, that at the close of the revolutionary war, the states set up exclusive claims, to all the unappropriated lands, within the limits of their respective charters. Those states, which had no such lands, among which number was my native state, New Jersey, remonstrated against the claim, as unjust and inequitable. They contended, that as the war had been sustained, and the independence of the country acquired, by the blood and treasure of all the states; whatever had been conquered from the crown, belonged to them in common, as a matter of right, and should be held for their joint, and equal benefit. The excitement produced on that subject, was so great, that propositions were made in the public prints of the day, urging the destitute states, to seize on portions of these unappropriated lands, for their own benefit. To allay the ferment, Congress made strong appeals to the justice and patriotism of the states, holding such claims, to make liberal cession for the common benefit of the Union. The result was, a cession of the entire territory north-west of the Ohio, by Virginia, and a cession by Connecticut, of all her claim, to the same territory, excepting that district, on lake Erie, known by the name of the Connecticut reserve. Soon after these cessions were made, Congress passed an ordinance, to sell and dispose of the ceded territory. John C. Symmes, then chief justice of New Jersey, proposed to a number of his friends, most of whom had been officers in the revolutionary army, to join him in purchasing a tract of

two millions of acres, between the Miami rivers. They agreed to take limited interests in the contract, provided a plan was devised, which would be just and equitable. Mr. Symmes immediately drew up a plan, which they approved of, and which he published, in pamphlet form; entitled, "terms of sale and settlement of Miami lands." He then submitted a proposition to Congress, bearing date 29th of August, 1787, to purchase, for himself and associates, all the land lying between the Miami rivers, south of a line drawn due west from the western termination of the northern boundary of the grant to Sargeant, Cutler & Co., on the same terms, that had been granted to that company; excepting, only, that instead of two townships for the use of an university; only one might be assigned him, for the benefit of an academy. This application was referred to the board of treasury, to take order, (vide 12 volume, Congress Journal, page 150). At the same time, he paid into the treasury, about eighty-two thousand dollars, the principal part of which had been advanced, by his associates. Without waiting to close his contract, he set out for the western country, with a view of exploring his purchase. Congress, on learning that fact, and recollecting the propositions, which had been recently made, in some of the public prints, on the subject of western lands, became alarmed. They thought it probable that the object of the judge, was to get possession of the land he had proposed to purchase, and then set them at defiance. Under that impression, a resolution was offered, ordering Colonel Harmar, who was stationed with his regiment, below Pittsburg, to dispossess him — directing the expense to be paid out of the money deposited, and the residue of the sum, to be returned to the depositor. Fortunately, Dr. Boudinot and General Dayton, two of his associates, were in Congress at the time, and were enabled to make such explanations, as induced a withdrawal of the resolution. They immediately despatched a messenger, who found Mr. Symmes at Pittsburg. To remove the difficulty, he executed a power of

attorney, authorising his associates, Jonathan Dayton, and D. Marsh, to close the contract, in such form, as they might see proper. The messenger returned with this document, and the judge proceeded to the Miami country. As soon as the agents received the letter of attorney, they consulted with their associates, and on their advice, prepared and executed a contract of three parts, bearing date, October 15th, 1788, between the commissioners of the board of treasury, of the first part, Jonathan Dayton and Daniel Marsh, of the second part, and John C. Symmes, and his associates, of the third part. This contract covered one million of acres, lying east of the Great Miami, extending from the mouth of that river, up the Ohio, twenty miles, to a point opposite to Main street, in this city, thence northerly parallel with the general course of the Great Miami, for quantity. It contained a provision, that if the party of the third part, failed to perform the contract, it should enure to the benefit of the parties of the second part, and their associates, who covenanted, in that case, to perform it themselves. The price of the land, was two-thirds of a dollar, per acre; one-seventh part of which was payable in the United States' military-land warrants, and the residue, in certificates, of debt due from the United States, not including the interest; for which new certificates, or indents were to be issued. The consideration to be paid, in six equal, semi-annual instalments, and on the payment of each instalment, a patent was to issue for a proportionate quantity of land.

The plan adopted and published by Mr. Symmes, in 1787, shows, very distinctly, the personal interest, which he was to have in the contract. He set apart, for his own use and benefit, the entire township lying lowest down, in the point formed by the Ohio and Great Miami rivers; together with the three fractional townships, lying north-west and south, between it, and those rivers, estimated to contain forty thousand acres. He engaged with his associates, to pay for that land himself, and they consented that he should hold, and

dispose of it, for his own benefit. They had the privilege of selecting as much of the residue of the purchase, as they saw proper; and the community, at large, were invited to become associates, and to locate as much of the land as they desired, at the contract price. To induce them to do so, without loss of time, it was stated, that after the first day of May, then next, the price of the land would be a dollar per acre, and that it would be still further increased, as the settlement of the country would justify. It was, however, expressly stipulated, that all the money received, above the congressional price, should be laid out in opening roads, and erecting bridges, for the benefit of all the purchasers. It was also stipulated, that a register should be appointed, to superintend the locations of the lands, and to receive and apply the surplus money, for the purposes designated. This stipulation, however, was never fulfilled. Mr. Symmes acted as register, himself, and received all money paid, as well after as before the augmentation of the price.

Soon after the settlement had commenced, Mr. Symmes sold to Dr. Boudinot, an equal, undivided, interest in his reservation, at an advance agreed upon between them; and shortly after, they divided the whole reservation, into twenty-four shares, or proprieties, and sold them at a still further advance. These sales, together with the advance on lands located by associates, enabled Mr. Symmes to pay for, and secure large portions of the out-lands. The plan also contained another provision, well calculated to hasten the settlement of the purchase; but which, in consequence of the loose, vague terms, in which it was couched, and the omission to appoint a register, has been one of the most fruitful sources of litigation in the Miami purchase. I refer to that provision, which required every locator, within two years from the time of entering his location, to place himself, or some other person, on the land, or in some station of defence, and to begin an improvement on every tract, if it could be done with safety; and to continue such improvement seven years, provided they

were not disturbed by the Indians, for that period; on the penalty of subjecting one-sixth part of each tract, to forfeiture; which the register was authorised to grant, to any volunteer settler, who should first apply, and perform what was required of the first locator.

Had the conditions, on which these forfeitures depended, been clearly and distinctly expressed; and the time, the manner, and the conditions, on which they were to be granted, to volunteer settlers, been stated, with clearness and precision, no person could have doubted, the wisdom of the project, or the equity of the volunteer claimaint, after he had performed the service, on which his title was to depend. But the loose, indefinite, and inconsistent phraseology, contained in the plan, together with the omission to appoint a register, to whom the power of granting forfeitures, was to be confided, rendered it impossible to ascertain the meaning of the provision, or to carry it, literally, into effect. The consequence was, that a loose practice was adopted, and it became extremely doubtful, whether, on legal grounds, any of those claims could be maintained. I feel confident, that for the first ten years of my practice, half of the ejectment cases, in which I was employed, in the county of Hamilton, depended on forfeiture titles. The prevailing impression, on the public mind, was decidedly in favor of those titles; and whenever the claimant could make out a plausible case, he was certain of succeeding. When those claims first became the subject of litigation, an attempt was made, at the bar, to induce the court to recognise the rigid principles, on which forfeitures depend, and to apply them to the case in question. If they had done so, it was my opinion, there was not a forfeiture title in the Miami purchase, that could have been sustained. The court, however, declined the application, and permitted the jury in each case, to be governed by the apparent equity which it presented.

As the contract authorised one-seventh, of each instalment, to be paid in military land-warrants, General Dayton was appointed to receive them. A sufficient quantity of these war-

rants, having been put into his hands, to cover a range of townships, the third entire range was set apart for that purpose, and conveyed to General Dayton, in trust, for the owners of the warrants. From that circumstance, it obtained the name of the *military range.*

As the contract with the board of treasury required the purchasers to survey the tract into ranges, townships, and sections, at their own expense; a suitable number of surveyors were employed, to accomplish that work; but unfortunately, a plan was adopted, better calculated for economy than for accuracy. In the first place, the principal surveyor was directed, to run a base line, east and west, from one Miami to the other, sufficiently north, to avoid the bends of the Ohio, and to plant a stake at the termination of each mile. The surveyors were then directed, to run meridians, by the compass, from each of those stakes, and to plant a stake, at the termination of each mile. Those stakes were declared to be the section corners, and the purchasers were left to run the east and west lines, necessary to connect them, and complete the survey of the sections. From this plan of survey, you will conclude, as the fact was, that scarcely two sections could be found, of the same shape and contents. Some were too wide, and others too narrow; and I doubt if there be one, the corresponding corners of which, are on the same east and west line. In some instances, the corner of a section, on one meridian, was twenty rods north of the corresponding corner, on the other. This irregularity, was found to be embarrassing, and was loudly complained of. Four or five years afterwards, and after many of the sections had been improved, the judge adopted a plan, to remedy the difficulty; which rendered confusion, more confounded. He ordered the meridian, which formed the east boundary of our town section, to be carefully re-measured, and new stakes to be set up, at the end of each mile, and declared it to be the standard line. Purchasers were directed, to run east and west lines, from those stakes, and to establish their corners,

at the points of intersection on the meridians. That plan, if persisted in, would have changed every original corner in the purchase. Many persons pursued the directions—run the lines, and claimed the corners, at the points of intersection. The consequence was, that a number of law-suits were commenced, as some proprietors claimed by the old corners, and others by the new. At length, this difficulty was settled by a decision of the supreme court, confirming the old corners, on the ground, that the original survey had been made, and returned to the treasury department, under the authority of Congress, as the contract required; and that no power had been given, to alter or change it. About the same time, a similar difficulty arose, in regard to the north and south boundaries, of the third, or military range. As that entire range had been conveyed to General Dayton, with authority to survey it, before it was divided into sections, (no stakes having been planted in it, by the surveyors of Symmes), Colonel Ludlow was directed to ascertain, and fix its boundaries, by straight lines run from one Miami, to the other.* these lines, also interfered with the stakes originally planted on the meridians, above and below the range, and gave rise to several suits. They were, however, confirmed by the supreme court, on the ground of an original authority, given to Mr. Dayton, to survey, and consequently to run, the boundaries of his range. But an exception was made, as to some three or four sections below fort Hamilton, contiguous to the Great Miami, the north boundary of which had been previously run by Mr. Dunlap, under the authority of Judge Symmes, and could not, therefore, in the opinion of the court, be changed by a second survey.

* Judge Symmes instructed his surveyors, in running the meridians from his base line, which was the southern boundary of the second fractional range, to place stakes for the corners of sections, for the distance of eighteen miles; which would bring them to the southern boundary of the third entire, called the military range, and then to run six miles, the width of a township, without setting stakes. At the end of the sixth mile, they were directed to make corners for the commencement of the fourth range.

It having been ascertained, that the entire survey contained the full quantity of land, required to fill the sections; Mr. Symmes, in order to do justice to all, established the following rule. Wherever there was a deficiency, he engaged to refund to the purchaser, at the rate of four dollars per acre, and where there was a surplus, he exacted payment for it, at the same rate. Although his right to establish this rule, might well be questioned, yet it seemed to be equitable, and was acquiesced in. A lawyer, most probably, would have assumed the contract price, in each case, to ascertain the sum to be paid, or received.

Although the contest about the old and new corners, was judicially settled many years ago, yet their existence has occasionally given rise to litigation, since that time. In some cases, it has been a matter of dispute, which was the old corner, and in others, agreements between the owners, not satisfactorily proved, have been set up. But these sources of dispute, seem now to be exhausted.

About the year 1810, the mansion-house of Judge Symmes, at North Bend, one of the most spacious and commodious in the state, was destroyed by an incendiary, in the absence of the judge. Most of the papers, maps, and books of entry, relating to the survey, and the sale of lands, in the purchase, were consumed; and it was apprehended at first, that very great difficulty and embarrassment, would arise from the loss. It was ascertained, however, that the principal book, containing the original locations, was in Cincinnati, where it had been taken a short time before, to be used as evidence in court. The original field notes of the survey, were destroyed; but, fortunately, Judge Henderson, and other surveyors, had taken copies with great care and accuracy, for their private use. Under the sanction of an act of the legislature, these copies were procured, compared, and their accuracy proved. They were then recorded, under the authority of the act, and made legal evidence, in all cases, to which they applied. By these means, the apprehended mischief was, in a great meas-

ure, obviated. Some difficulty was experienced, in consequence of the fire, by the holders of property in Cincinnati, owing to the plan adopted by the proprietors, when the town was first laid out. For their own convenience, they agreed to leave the title to the town section and fraction, in Mr. Symmes, who undertook to make deeds, to the purchasers of town-lots, on certificates, signed by any two of the proprietors. These certificates, which were necessary to give validity to the deeds, executed by him, were left in his hands, and were consumed with his house. It was believed that in some cases, certificates had been irregularly obtained. In many cases, deeds had been made to assignees; in some of these, the original holders denied the assignments, alleging, that if they existed, they were forgeries. And it became impossible to ascertain, whether all the deeds given for town-lots, were authorised by the proprietors, or not. Whatever the facts might have been, in reference to those matters, the loss of the certificates, precluded all investigation; and operated as a quietus, in favor of the grantees. Soon after the fire, suspicion rested on a man by the name of Hart, a violent enemy of Mr. Symmes, who resided in the neighborhood. He was arrested, indicted, and tried, and, although the evidence was so conclusive, as to produce conviction of guilt, on the minds of nine-tenths of a large concourse of by-standers, who attended the trial, he was acquitted by the jury. The enormity of the crime, and the strength of the evidence, which satisfied me of the prisoner's guilt, induced me to offer my professional services, in aid of the prosecution.

But to return to the contract. By the covenants contained in that instrument, the last instalment became due and payable in three years after the boundary lines, of the entire tract, had been surveyed, and plainly marked, by the geographer, or other person, authorised by the United States. My memory does not enable me to state, when this survey was made. But it must have been in the fall of 1788, or early in the spring of 1789, so that the last instalment must have fallen

due early in 1792. At that time, not more than two of the instalments had been paid, and the contract was liable to forfeiture. In addition to this, although the eastern boundary of the purchase, as established by the agents, commenced on the Ohio, within the limits of Cincinnati, and ran northward, parallel with the general course of the Great Miami, for quantity, Mr. Symmes had sold the principal part of the land, between that boundary and the Little Miami. In order to obtain relief, from these embarrassing difficulties, he repaired to the seat of government, in the spring of 1792, and in the first place petitioned Congress, to alter his contract, in such manner, that it might extend from the mouth of the Great Miami, to the mouth of the Little Miami, and be bounded, by the Ohio on the south, the Great Miami on the west, the Little Miami on the east, and a parallel of latitude on the north, extending from one Miami to the other. Congress passed a law, authorising the alteration prayed for. The contract was accordingly changed, and a large number of meritorious purchasers, were thereby secured in their lands, and their improvements; but as a condition for granting this indulgence, Mr. Symmes was required to relinquish to the government, fifteen acres of land in Cincinnati, contiguous to Fort Washington, for the accommodation of that garrison, which was done in the same instrument of writing, which ratified the alteration. This object being secured, Mr. Symmes immediately presented another petition, praying for the passage of a law, authorising the President of the United States, to convey to him, by letters patent, as much of the land, contained in his contract, as he might then be able to pay for. A law to that effect, was passed, on the 5th of May, and on a settlement made at the treasury, it was ascertained, that two hundred and forty-eight thousand, five hundred and forty acres, had been paid for. On that settlement, a patent was executed, and delivered, in September, 1794, conveying to John C. Symmes and his associates, the said quantity of land. But in consequence of the College

township, and the reserved sections being within the limits of his grant, the boundaries of the tract described in the patent, contained three hundred and eleven thousand six hundred and eighty-two acres. The draft of a patent was made by General Hamilton, secretary of the treasury. When it was presented to Mr. Symmes, he objected to it, because it conveyed the land to him and *his associates*, and not to himself alone. He insisted on having it altered. The secretary refused to change it, and an appeal was made to the President. After a careful examination of the subject, the President found, that the patent was in strict conformity, with the contract of Mr. Symmes, and the act of Congress, on which it issued. He therefore, refused to interfere, and Mr. Symmes was compelled to receive the patent, as General Hamilton had drawn it. The difficulty being thus settled, Mr. Symmes returned in 1794, and commenced the issuing of deeds. Prior to that time, his vendees held no other evidence of title, than the original warrants, delivered to them, when they respectively purchased. It was the understanding of Congress, that these arrangements terminated the contract of 1788, and that they should hear nothing farther, on that subject. This conclusion would seem to be reasonable, from the facts of the case, yet, no formal release was executed. The omission to require such an instrument, naturally induced Mr. Symmes to conclude, that his contract was still *in esse*, and that he could rely, on a further fulfilment of it, on the part of Congress. As the northern boundary line of the patent, extended only a short distance, into the fourth entire range, a large quantity of land, previously sold by Mr. Symmes, was not covered by it. In addition to this, on his return from Philadelphia, he continued his sales; and disposed of the land within his contract, as he had done before. In the meantime, his right was questioned. Various rumors, on that subject, were afloat; and the purchasers became uneasy. They began to fear for their safety, and insisted, that Mr. Symmes should take measures for their security. They had paid large sums

of money, in the purchase, and improvement of their farms, and began to feel, as though it might all be lost. Some of them proposed, to make a direct application to Congress, for relief. Mr. Symmes, dissuaded them from that measure, as it might defeat the claim, he was going to set up, for the fulfilment of his contract. Finding that he could pacify them no longer, he concluded to go to Philadelphia; and in the fall of 1796, after holding the general court at Marietta, he proceeded on his journey. I accompanied him to that place; on my way to visit my friends, in New Jersey, and New York. The judge spent the winter, in fruitless attempts, to induce the government, to receive the money, he had taken with him, probably, one hundred thousand dollars, and to recognise the obligation of his contract. They assumed the ground that the arrangement, in 1792, was a final adjustment of all his claims — that the whole contract might, at that time, have been declared forfeited — and that their recognition of it, to the extent, to which he was able to make payment, was rather a matter of favor, than of strict right. They alleged, that a formal release from him, was unnecessary, as the forfeiture of the contract was apparent on its face. Finding there was not the most distant hope of success, he abandoned his claim in despair, leaving the purchasers, whose lands were not covered by his patent, to seek the best remedy in their power. The situation of those disappointed individuals, was distressing. Many of them had paid for their land in full. All of them had paid more or less; and most of them had expended considerable sums of money, and some years of labor, in improving them. In this situation, they found themselves, completely, in the power of government, and liable to be dispossessed, at any moment. They presented their case to Congress, and prayed for relief. In 1799, an act was passed in their favor, which secured to all persons who had made written contracts with John C. Symmes, prior to the first of April, 1799, and whose lands were not comprehended in his patent, a preference over all others, at two

dollars per acre. In 1801, the right of preemption was extended, to all who had purchased as above, before the first of January, 1800. These preemption rights were continued by Congress, from year to year, till all the purchasers were enabled to complete their payments, and secure their titles.

Without attempting now, to express any opinion on the merits of Mr. Symmes' claim, under his contract, there is no doubt, but that he fully and honestly believed, he was entitled to its fulfilment, and had a right to continue his sales, as he had done before; and judging from appearances, he never despaired of ultimate success, till he was finally repulsed in the winter of 1796–7. Prior to that time, he sold to every applicant, and had granted to individuals and companies, the preemption right to large tracts, at a small advance, they undertaking to pay the purchase money, to government. The grantees of these preemption rights, sold out in small tracts to others, who also engaged to pay the government price, when called for. In this way, the largest portion of the tract, originally purchased, in 1788, had passed from Mr. Symmess, and was claimed by others; many of whom were in possession, residing on, and improving the land. Several towns had been laid out and settled, as Middletown, Franklin and Dayton — mills had been built, and orchards planted; and for miles, north of the patent, the country, was as thickly settled, and as well improved, as it was generally, within the patent. From this view of the case, you will perceive the vast importance of the preemption laws, noticed above; by the operation of which, probably, not less than five hundred families, were not only saved from ruin, but made independent and happy. The extension of the right, by the law of 1801, to all who had purchased, prior to the first of January, 1800, enabled every purchaser to save himself; and the extension of credit, which Congress gave, from time to time, by subsequent laws, was so liberal, that many of them were able to raise their instalments, from the products of their farms.

About the same time, that this meritorious class of citizens

were relieved; the law of 1800, providing for the sale of the public lands, came into operation. Land offices were established at Cincinnati, Chillicothe, Marietta, and Steubenville; and a vast quantity of rich fertile land, was brought into market. By this time, the character of western lands had become generally understood—the mildness and salubrity of our climate was known, and public attention throughout the Atlantic states, was directed to the Ohio. Large portions of the most fertile and desirable land, within the territory, which had been, until then, locked up, were offered for sale. Purchasers were numerous, from every part of the Union, and from that time, the Miami country, in common with many other portions of the eastern district, began rapidly to populate and improve; so that in less than three years thereafter, a convention was in session, forming a constitution, for the state of Ohio. The rapidity, with which the country was settled and improved, from that period, has, perhaps, never been equaled, in any age, or country. The greatest embarrassment, under which the western country labored, at that time, arose from the difficulty of conveying its products to market, and of procuring such foreign articles, as were necessary, for use and convenience. No artificial roads had been made, canals had not been thought of, the natural impediments in our rivers rendered the navigation of them difficult, and sometimes impracticable; and when the water was at its most favorable stage, the distance of our chief market, and the imperfect means of transportation, were such; as to require a large portion of the avails of a cargo, to defray the expense of taking it to market. The only water-crafts, in use, were perogues, flat-boats, and keel-boats, moved by oars, and setting-poles. *Ratem conto subigit.* The average time required to make a trip, to New-Orleans, and back, was six months. The crafts made use of, were necessarily small, and the cargoes proportionably light. Under such disadvantages, the commerce of the country, as you will naturally conclude, was almost nominal. The farmer had no motive

to increase the product of his farm, beyond the wants of his own family, and of such emigrants, or new-comers, as they were called, as might settle in his immediate vicinity. For many years, these emigrants created the only demand, which existed in the interior, for the surplus products of agriculture. Corn and oats, rarely, commanded more, than from ten to twelve cents, and wheat from thirty-seven to forty-five cents. Good beef averaged about a dollar and a half, and pork from one and a half to two dollars per hundred. At such prices, you will say, that following the plough, was not the road to wealth, and yet our farmers lived as independently, and enjoyed quite as much contentment, as they have, at any time since. They were satisfied with the wholesome diet, produced by their own hands, and with the plain and simple dress, which their means brought within their command. They disregarded luxury and show, because they did not exist in their neighborhoods — they were contented to live, and to appear, as others did, with whom they associated. But these days of simplicity have passed away, and it is for the moralist to decide, whether the change be, for the better, or for the worse.

During this period of depression, when the produce of the country would not defray the expense of transportation, to a foreign, or distant market; the project of the Miami Exporting Company, was got up. The plan was first suggested, by Jesse Hunt, an experienced, enterprising merchant, of this place. For the purpose of eliciting information on this subject, he proposed the question to the merchants of Cincinnati, and others; whether a plan could not be devised, which, with the aid of corporate powers, would enable a company, consisting of farmers and merchants, to adopt, and carry into effect, such arrangements, as would enable them, to reduce the difficulty and expense, of transportation, so far, as to make it an object to collect the produce of the country, and send it to New-Orleans. The result of the enquiry, was a general belief, that the probability of success, was sufficient

to justify the experiment. As soon as this was ascertained, to be the prevailing opinion, and the farmers of the neighborhood, expressed a desire to join the association; Mr. Hunt, with the aid of some friends, drafted the plan of a charter, and submitted it for consideration. Although there was a strong hope, that the plan would succeed, and the important object of the association be accomplished, yet it was attended with considerable doubt. In consequence of these doubts, the provision was introduced, on which the banking powers of the company are founded, with a distinct understanding, that if, after a fair experiment, it should be ascertained, that the shipment of produce, could not be continued without loss; the capital might be employed in banking operations. The experiment was fairly made, and resulted in considerable loss. When the charter was before the legislature, I have reason to believe, that no desire existed, to conceal from them, the intentions of the company, in case their first and main object should fail. At that time, there was no bank in the country — there was no prejudice against such an institution — it was not believed, that a sufficient cash capital, could be raised, to constitute one, and it is probable, that if the charter had been for a bank, and nothing else, it would have been granted. My own opinion was, at the time, that the exporting plan would fail; and I did not think it possible, to raise a fund, sufficiently large, to render a bank useful to the country, or profitable to the owners. I therefore declined to engage in it then, and, if my memory be correct, did not become a stockholder, until some years after. I am confident, that the charge of concealment, and deception, which has been made against those, who got up this institution, is without foundation. I know of no motive for concealment; and am confident, that the leading object of the company, was the shipment of the products of the country. At the time this association was formed, the agriculture and commerce of the west, were at the lowest state of depression. Every person, who attempted to look at the future, and to

calculate .or time to come, from what was then before him; came to the conclusion, that the valley of the Ohio, rich in materials of commerce, and of wealth, would be of but little more value, in the possession of its civilised proprietors, than it had been, when it was the hunting-ground of the aborigines; unless something could be done, to facilitate the exportation of its products. Of what benefit was it to the farmer, that his fields, with careful cultivation, would yield their hundred bushels of corn to the acre, when one-fourth of that quantity would answer all his purposes, because he could make, no profitable disposition, of a larger product? Those persons, who were in Ohio, in 1803, when the state government was formed, and the exporting company projected, will be at no loss for reasons why the association was got up, and why it was sanctioned by the legislature; without looking farther, than to the avowed object, expressed in the charter. The incalculable improvement, which has been made in the business concerns of the country, since that period, by the construction of roads and canals — the improvement of rivers, and above all, the introduction of steam navigation, is calculated to drive from the memory, even of the pioneers, the difficulties and embarrassments, they endured, in former times; and in the view of others, it gives the appearance of fable, to the most faithful description of things as they existed, thirty-five years ago.

The first improvement in our commercial facilities, was the introduction of barges, moved by sails, oars, or setting-poles; as the wind, and the state of the water, might require. These vessels were constructed to carry from forty to one hundred tons. They usually made two trips, to New-Orleans and back, in a year; and from the increased quantity of cargo, they were able to carry, the price of transportation was considerably reduced. They brought freight from New-Orleans to this place, at from five to six dollars, per hundred, which was considerably lower than the cost from Philadelphia: and from that time, most of our groceries, and heavy articles,

were brought up the river. As the expense of these barges, compared with keel-boats, was by no means increased, in proportion to the increase of cargo; the price of freight was greatly diminished, and the quantity of produce shipped, proportionably increased. The introduction of this mode of navigating the Ohio and Mississippi, may be considered, as an epoch, in our commercial history. It was viewed as an improvement, that would greatly advance, the commercial and agricultural interests, of the western country. It was first thought of and brought into operation, by the firms of Baum & Perry, and Riddle, Bechtle & Co., of this place. These vessels continued in use, from 1807, till about the year 1817, when the introduction of steam-boats, on the Ohio, entirely superceded them. Since that time, we have ceased to remember, that our position is remote from the Atlantic markets; and have learnt, by experience, that the superior fertility of our soil, and the facility of cultivating it, compared with the region on the sea-board, yields us a full equivalent, for the difference of situation. Such have been the results of steam navigation, on the rivers of the west. In the borrowed language of poetry, it has "almost annihilated, time and space."

But to return again, to the contract. The proposal of Mr. Symmes, for his purchase; which was made in 1788, as is stated in the commencement of this letter, contains one remarkable feature. The quantity of acres, for which he applied, under the ordinance then in force, would have entitled him to two townships, for the establishment of an university, or a college. Yet he requested, that only one might be granted, for the use of an academy. I cannot inform you, what induced him to relinquish his claim to the other, nor is it of any consequence, now, to ascertain his motives, as the discovery would be of no avail. There is reason to believe, that the facts, relating to this township, are not generally understood. I will, therefore, give you a correct, but concise detail of them. The ordinance adopted by Congress,

for the disposal of the public domain, did not authorise a grant of college land, to the purchasers, of less than two millions of acres. The original proposition of Mr. Symmes, being for that quantity, entitled him to the benefit of such a grant. It was his intention, no doubt, to close his contract, in conformity with his proposal. He, therefore, stated in his printed publication, before referred to, that a college township had been given; and he described its situation to be, as nearly opposite the mouth of Licking river; as an entire township could be found, eligible in point of soil, and situation. He also selected, in good faith, one of the best townships in the purchase, answering the description, and marked it on his map, as the college township. The township, thus selected, was the third of the first entire range, on which the town of Springdale, now stands. That tract was reserved from sale, and retained for the intended purpose; until Mr. Symmes ascertained, that his agents had relinquished one half of his proposed purchase, by closing a contract for one million of acres, by which his right to college lands was abandoned, and of course not provided for in the contract. He then, very properly, erased the endorsement from the map, and offered the township for sale, and as it was one of the best, and most desirable portions of his purchase, it was rapidly located. The matter remained in this situation, till the application, in 1792, to change the boundaries of the purchase, and to grant a patent, for as much land, as his means would enable him to pay for. When the bill for that purpose, was under consideration, General Dayton, the agent, and one of the associates of Mr. Symmes, being then an influential member of the house of representatives, proposed a section, authorising the President to convey to Mr. Symmes and his associates, one entire township in trust, for the purpose of establishing an academy, and other schools of learning, conformably to an order of Congress, of the 2d of October, 1787. The fact was, that the right, under the order referred to, had been lost, by the relinquishment, of half the proposed

purchase, in consequence of which, the contract contained no stipulation, for such a grant. Notwithstanding, from some cause, either want of correct information, or a willingness then, to make the gratuity, — most probably the latter, the section was adopted, and became a part of the law. At that time, there was not an entire township in the purchase, undisposed of. Large quantities of all of them, had been sold by Mr. Symmes, after his right to college lands had been lost, by the conduct of his agents, Dayton and Marsh. It was not, therefore, in his power to make the appropriation, required by the act of Congress, though in arranging his payment, at the treasury, he was credited with the price of the township. The matter remained in that situation, till about the time the legislature was elected, under the second grade of the territorial government, in 1799. Mr. Symmes then feeling the embarrassment of his situation, and aware that the subject would be taken up by the legislature, made a written proposition to the governor, offering the second township of the second fractional range, for the purposes of a college. On examination, the governor found, that he had sold an undivided moiety of that township, for a valuable consideration, in 1788 — that the purchaser had obtained a decree in the circuit court of Pennsylvania, for a specific execution of the contract; and that he had also sold several smaller portions of the same township to others, who then held contracts for the same. As a matter of course, the township was refused. He then appealed from the decision of the governor, to the territorial legislature. They also refused to receive it, for the same reasons, which had been assigned by the governor. A similar refusal was afterwards made, for the same reasons, by the state legislature; to whom it was again offered. I had the charity to believe, that when Mr. Symmes first proposed that township, to the governor, it was his intention to buy up the claims against it, which he probably might have done, at that time, on fair, and moderate terms; but he omitted to do so, till that arrangement became

impracticable, and until his embarrassments, produced by the refusal of Congress, to confirm his contract, for the land he had sold out of his patent, rendered it impossible for him, to make any remuneration to government, or the intended beneficiaries of the grant. The delegates representing the territory in Congress, were instructed, from time to time, to exert their influence, to induce the government, in some form, to secure the grant, to the people of the Miami purchase. But nothing effectual was accomplished, till the establishment of the state government, in 1803; when a law was passed by Congress, vesting in the legislature of Ohio, a quantity of land, equal to one entire township, to be located under their direction, for the purpose of establishing an academy, in lieu of the township already granted, for the same purpose; by virtue of the act, entitled "an act, authorising the grant and conveyance of certain lands, to John C. Symmes and his associates." Under the authority of an act of the Ohio legislature, passed in April, 1803, Jacob White, Jeremiah Morrow, and William Ludlow, made a location of these lands, amounting to thirty-six sections, as they are now held by the Miami University. In consequence of the early sales, by Judge Symmes, these lands were necessarily located, west of the Great Miami river; and consequently, without the limit of Symmes' purchase. In February, 1809, the legislature passed a law declaring "that there shall be an University established and instituted, in manner hereafter directed, within that part of the country, known by the name of John Cleves Symmes' purchase; which university shall be designated by the name and style of the Miami University." The act then proceeds to describe the powers and duties of the corporation; to appoint trustees, etc. It then makes a formal grant, of all the land vested in them, by Congress, for the Miami purchase, to the corporation created by that act, and their successors forever; for the sole use and benefit, of the said university. The seventeenth section appoints Alexander Campbell, the Rev. James Kilbourn, and the Rev. Robert

Wilson, commissioners to fix on the place, for the permanent seat of the university. The eighteenth section requires the commissioners, to select the most proper place, for the seat of the university, in such part of John C. Symmes' purchase, as an eligible place can be found, paying regard to health, etc. The nineteenth section, directs the first meeting of the corporation to be at Lebanon, in the county of Warren. At the time appointed for the meeting of the commissioners, the Rev. Dr. Wilson was detained, at home, by sickness in his family. The other two attended, and after having examined, all the places, presented for their consideration, they selected the town of Lebanon, in the county of Warren, as the seat of the University, and made their report accordingly, to the legislature. It was then generally understood, that the seat of the institution was unalterably fixed. At the next session of the legislature, however, a proposition was made, by Mr. Cooper, of Dayton, to establish the university, on the college lands, without the limits of Symmes' purchase. This proposition was objected to, on various grounds. It was contended, that the gratuity, was originally made, to the people of the Miami purchase, for their exclusive benefit—that the first patent in 1792, granted the township, for the sole and exclusive intent of erecting and establishing *within* that purchase, an academy, etc.—that the laws subsequently passed, in 1803, vested the land in the legislature, for the purpose of establishing an academy, in lieu of the township already granted, for the same purpose. It was further contended, that by the law of 1809, the legislature had established an university, within the limits of John C. Symmes' purchase, and had granted the fee of the land to the trustees of that institution, for its sole and exclusive benefit—that they had thus executed their trust, and exhausted their power, and that they could not revoke that grant, and apply the fund to an institution, established without the purchase. The legislature, however, thought differently, and passed an act, establishing the university on the land, without the limits of

John C. Symmes' purchase. That institution, is now in a very flourishing state, and it is desirable, that no effort be made, to disturb or to check it.

Very respectfully,

J. BURNET.

J. DELAFIELD, JR.

LETTER VII.

CINCINNATI, 1838.

DEAR SIR: — In this letter, I propose to give you a statement of some facts, which may be worth preserving, though they are not of much importance. The delay and expense of passing the falls at Louisville, and the heavy loss of property occasioned by that obstruction, had very seriously affected the commerce of the Ohio valley.

The intelligent enterprising men, engaged in the river trade at Pittsburg, Cincinnati, and intermediate towns, who had been subject to the inconvenience of that obstruction, for many years; began, at length, to discuss the question, whether the difficulty could not be removed. Estimates were made of the probable cost of improving the navigation at the falls; and of the loss, to which our commerce was subjected, by the obstruction at that place. Among others, William Noble, one of the early settlers, and most enterprising merchants of Cincinnati, took great pains to ascertain the amount of expense which it occasioned. He found that the loss, in one year, amounted to eighty thousand dollars. In this estimate, he included storage, drayage, cooperage, commissions, transshipment, and the wages of hands during the delay. This, and similar estimates excited general attention, and the public mind became alive to the subject. Various projects were proposed and discussed; calculations were made by different individuals, and public feeling seemed to indicate, that something should be done. It was ascertained that the fall, in the bed of the river, at Louisville, did not exceed the average of the fall, from Pittsburg, to the Mississippi; and that the obstruction was occasioned by a dam of rock, passing over the river, and extending some distance into the country, on

either side. This gave rise to a project for opening the entire channel, by blowing and removing the rock; but it was found, that the expense of this plan, would be enormous, if it were practicable. It was also found, that by opening a passage sufficiently wide, for boats to pass, the power of the current would be so increased, as to render the descent extremely hazardous, and the ascent impracticable. It was, therefore abandoned, and public attention was directed to the expediency of attempting a canal. The state of Indiana anxious to remove the impediment, which affected her own citizens, in common with all others; and having a concurrent jurisdiction with Kentucky, on the river, at that point; in January, 1817, incorporated a company to construct a canal of sufficient dimensions, to pass the largest boats, then navigating the river. The board of directors employed Mr. Flint, an accomplished engineer, educated in the best schools of Europe. He was a native of Ireland, and had been attached several years, to a corps of civil engineers in France, under the government of Napoleon.

After examining the ground on both sides, with a scientific eye, he gave the preference to the Indiana side. He pointed out to the board, the difficulties which have since been found to exist at Louisville, and assigned the reasons why they would occur, should a canal be constructed at that place. He made his calculations with care and accuracy, and reported, that the work on the south side of the river, would cost a larger sum, than it would on the north; and that when finished, it would, in certain stages of the water, be difficult and hazardous, for descending boats to enter it. Its liability to be obstructed by deposites of mud and sand, was also stated, with reasons for his opinion. After these calculations and reports, the canal was located from the mouth of a ravine in Jeffersonville, to the foot of the falls.

It is an important fact, in reference to this subject, that back of Jeffersonville, and contiguous to the river, there were two or three large ponds, almost constantly full of water,

which in a wet time, passed off into the Ohio. They were on ground, so high, that the water could be taken from them to the river, either above or below the falls. In wet seasons, they discharged a large quantity, which passed off with considerable velocity.

It was the plan of Mr. Flint to excavate the canal, down to the rock, by the agency of those ponds. For that purpose, a dam was erected, at an expense of about fifteen hundred dollars, for the purpose of turning the water, from its natural channel, into a ditch on the line of the canal. The experiment was made with success, and in a few weeks, an immense quantity of earth was washed out, through the ravine, at the head of the falls. It was the opinion of the board, and of the engineer, that the experiment would have succeeded throughout, had not the dam given way. Suspicions were entertained, that a breach had been made, by some person inimical to the project, sufficiently large to let the water finish the work of destruction. The suspicion, however, was probably without foundation.

In the mean time, the people of Louisville obtained a charter from the Legislature of Kentucky, to construct a canal on their side of the river. Estimates were made of the cost of the work, very much below those made by Mr. Flint, and below what has since proved to be correct. Large subscriptions were obtained, and efforts were made to induce a general opinion, that the work would be completed without delay. Our subscribers became alarmed, at the idea of a competition, which might prevent the completion of either of the canals, or if completed, destroy all hope of profit, from their investments. The consequence, was a refusal, to pay their instalments, and, as a matter of course, the work was brought to a close.

Had the dam stood a few months longer, the wet season having commenced at the time of its failure, the operation of the water would have satisfied every body, of the practicability of the undertaking, and would have accomplished such

an amount of excavation, as would have insured the completion of the work.

The legislature of Indiana, had appointed me one of the commissioners, for carrying the law into effect. Feeling an interest in every project, for improving the condition of the country, either by increasing the facilities of its commerce, or otherwise, I accepted the trust, engaged in the enterprise, and expended about six hundred dollars, before the work was abandoned. For the purpose of raising funds in aid of the work, the charter authorised the board to project and carry through a lottery. Under this power, a scheme was devised and tickets printed, and placed in the hands of agents, for sale. The project, however, did not succeed. The prejudice against lotteries was so strong, that it was impossible to dispose of a sufficient number of tickets. A part of the money received for tickets, was expended in the work, but the larger portion of it was lost, by the infidelity, or insolvency of the agents; so that the whole amount paid, was a loss to the purchasers. In anticipation of the instalments to become due on the subscription, the board borrowed money, at different times, from the banks, amounting probably to about fifteen hundred, or two thousand dollars; for which, persons members became endorsers. These notes, as you will naturally conclude, were afterwards taken up by the individuals, who had made themselves responsible, without any recourse for indemnity.

At one of the meetings of the board, at Jeffersonville, in the autumn of 1819, I had an opportunity of seeing the bed of the river, on the falls, at the lowest stage of water, which has occurred during the last forty years. All the water of the river, on the falls, passed through a channel, in the bed of the rock, not more than twenty-four feet wide, which was divided in the middle, by a ledge of rock, about a foot wide, extending the whole length of the channel, having very much the appearance of masonry; so that a person, with a twelve-foot plank, could have crossed the river without wetting his

feet. This channel had the appearance of two contiguous canals, excavated in the rock, with perpendicular sides, separated by a stone wall, having here and there, a stone broken out. These openings were at irregular distances, from five to fifteen feet apart, and formed communications, between the two channels. The regularity and neatness of this excavation, gave it, altogether, the appearance of being artificial. According to my recollection, it extended about a mile, or a third of the distance, from the head to the foot of the falls. The velocity and power of the water, which seemed to be not more than two feet deep, was matter of astonishment. Several attempts were made, with a heavy handspike, to ascertain its depth, but there was not an individual in the company, who could force it half way to the bottom, before it was thrown to the surface by the rapidity of the current. A person, the day before, attempted to cross, with the aid of a plank, but being intoxicated, fell in and was drowned. His body was afterwards found, very much bruised. The stream being confined to so narrow a channel, the entire bed of the river was exposed to the eye. The elevated rocks, over which the water passed, in a medium stage, and which presented the greatest danger to the navigator, were entirely bare. They were connected with the lower part of the island, and passed, in a curvilineal form, about three-fourths of the way from the island to the Indiana shore, extending down stream, at an angle of about forty-five degrees, with the river bank. The bed of the river presented a vast variety of petrefactions; among them was the trunk of a large tree completely petrified, portions of which, were severed, and brought to this place. Some of them, with other interesting specimens, collected at the same time, were deposited in the museum of this city.

As you know, the charter of the bank of the United States established under the auspices of General Washington, expired in March, 1811. An application was made to Congress, on behalf of the inhabitants, to have it renewed. The advocates of the renewal insisted, that such an institution was

necessary, to enable the government to manage its fiscal concerns, with convenience and safety. They pointed out the embarrassment, that would probably result, should the charter be suffered to expire, without providing a substitute; and the consequences of such a result, to the commerce and business of the nation, as well as to her fiscal concerns, were urged in the discussion, elicited by the application. The pressure, that would be created by collecting the debts due to the institution — the effects that would be produced on the business of the country, in all its departments, by withdrawing the best paper currency, then in circulation, and the loss, the treasury would sustain, in the collection, safe keeping, and transmission, of the public revenue, were also strongly stated. The application, however, was rejected, for reasons, no doubt satisfactory to the politicians who then controled the destinies of the nation. During the succeeding year, the war commenced, between the United States and Great Britain; in the progress of which, the want of such an institution, was seriously felt by the government, as well as the people. If at that time, an institution had existed; of the aid and credit of which, the treasury department could have availed itself; we might have carried on our military operations, with greater promptness and vigor, and the contest, probably, would have been terminated, in less time than it was, and at less expense to the nation. The treasury was empty, and the revenue, in consequence of the derangement of commerce was greatly diminished; while the expenses of the nation, were vastly increased. The paralyzing influence of this state of things, was seen and felt, throughout the country. In 1816, the subject was again brought before Congress. Most of those, who had resisted the application in 1811, either on the ground of inexpediency, or of constitutional scruples, had become satisfied, that a national bank was important, among other purposes, for the collection and disbursement of the revenue; and that it was constitutional in that point of view as being necessary, to carry into effect a power, specially

delegated to Congress. They had also seen the consequences, of relying on state institutions, for supplying the country with a circulating medium. They knew that the paper of the local banks, had greatly depreciated — that a number of them had failed, and that public confidence was measurably withdrawn from them all. No person felt safe, in receiving their paper, and such was the derangement, of the financial system of the Union, in consequence of it, that the treasury had nothing to offer, in discharge of its liabilities, but this depreciated currency.

Members of Congress, who could not afford to trust the government, were compelled to receive their pay, in that wretched apology for money.

These facts, with all their embarrassing results, were seen and felt, — public opinion yielded to their influence — the business community united in praying for a national bank, as the only source of a sound currency, and the only agent that could restrain the local institutions, from unreasonable and injurious issues. Congress participated in the general feeling; and in April, 1816, passed a law, establishing a bank, which received the sanction of Mr. Madison, then at the head of the executive government. As soon as the institution was organised, and prepared to commence business, applications were made from various parts of the country, for the establishment of branches. Some of the principal towns of Ohio, put in their claims, and sent committees to Philadelphia, to sustain them. The success of these applications, was considered by the citizens generally, as highly important, and indeed absolutely necessary, to revive and sustain the credit, and business of the state. The best paper, then current, was greatly depreciated, say, thirty per cent. Every article of merchandise, and of agriculture, had its specie, and its paper price, and the estimated loss to the country, on the consumption of foreign products, was not less than twenty per cent.; to which may be added, a further sacrifice, in the purchase of bills for remittance, at high rates of exchange. Expe-

rience is always the best teacher of wisdom, and the lessons, which are learnt in her school, are generally carried into practice. Such was the case, in the present instance. The prejudice against a national bank, in this state, at that time, was neither very general, nor very strong. It had been, in almost every instance, abandoned as groundless. The people had not forgotten the benefits of the first bank, established under the auspices of President Washington; and they were then suffering the distress, produced by the expiration of its charter. Thus situated, they were, with but few exceptions, friendly to the application for branches in Ohio. You are aware, that in 1817, those applications resulted, in the establishment of offices of discount and deposit, at Chillicothe and Cincinnati, and that G. A. Worth, Esq., of New York, a gentleman of polished mind, and a financier of experience and energy, was appointed cashier of the latter. Under his management, directed by an intelligent board, the branch went into successful operation. The amount of paper discounted, including bills, domestic and foreign, was supposed to be less than at any other office, located in a city of the same population and business; and the board were not conscious, that a single bad debt had been contracted. While business was progressing in this way, the parent board entered into an arrangement with the treasury department, of the United States, to receive as cash, their land-office deposites, in the western banks. The terms on which this contract was made, were not communicated; though it is evident, the bank must have been allowed a heavy discount, as the deposites consisted of depreciated bank paper. About nine hundred thousand dollars of those deposites, were sent to the office at Cincinnati; with an order to collect the amount, from the banks, by which it had been issued. The best of this paper was passing at a discount of thirty-three per cent. Some of the banks had failed entirely—all of them had stopped specie payments, and not one of them was able, or disposed, to pay its debts.

Under these circumstances, it was impossible to execute

the order of the mother bank; of which they were immediately advised. It was the opinion of the directors of the office, that the most advantageous disposition, which could be made of that perishing paper, was to loan it at par, on the best security that could be obtained; as they knew it was utterly impossible for the banks to redeem it then, whatever their future ability might be. This plan was communicated to the board, at Philadelphia, and further instructions were requested. As no response was received, after waiting a reasonable time; and as the paper, in the meanwhile, was becoming daily, less and less valuable, the directors of the office, on the maxim, that silence gives consent, presumed an acquiescence, and proceeded to loan the paper, as par funds, on the same principles, that governed them in other cases. In a few months, nearly the whole amount was disposed of in that way, on security, which was believed to be good. About three-fourths of it proved to be so, and it is probable that every dollar of it, would have been collected, had it not been for the distressing pressure, produced by the sudden withdrawment of the branch, accompanied by an order, promptly executed, to put in suit, every debt due to the institution. As it was, the amount of bad debts, was far more than covered, by the advance, varying from twenty, to an hundred per cent., on the real estate taken from solvent debtors. It is impossible for a person, who was not a spectator of the reckless course pursued by the agent of the bank, to form an adequate idea of the desolation, which it produced. Our city and its vicinity, did not recover from the consequences of the shock, for a number of years. In 1821 and 1822, when this work of ruin was going on, the whole country was laboring under great pecuniary embarrassment. Creditors found it necessary, every where, to indulge their debtors, and without such indulgence, the nation must have been filled with bankrupts. Money was not to be had, on any terms. Such was the general state of things, when this severe blow was inflicted on the people of Cincinnati. The consequence

was, that every debtor to the institution, however wealthy, was prosecuted to judgment and execution. There were a few, who obtained a short respite, by giving pledges of real estate; but in the end, they suffered as severely as those who were prosecuted immediately. Considering the provocation, and the excited feeling, caused by this unusual procedure, it is rather surprising, that the statute against usury, was not set up in a single case; though the defendants, probably in half of them, could have proved, that they did not receive from the bank, more than sixty-six per cent. in value, on the amount of their debts. In justice to the mother bank, it ought to be stated, that the measures just complained of, were concerted and executed, by Thomas Wilson, their cashier, who had been sent to this place, with plenary powers, to examine the office, and to act as his judgment might dictate. It is believed that if the parent board had been consulted, they would have prevented the step, taken by their agent, but his movements were so sudden, that the work of destruction was consummated, before they had an opportunity of preventing it. Mr. Wilson assigned, as a reason, for his revolutionary measures, that the managers of the office had loaned the funds of the institution, with a reckless profusion, that proved them wholly unworthy of confidence. The fact, however, was, as stated above, that up to the time of receiving the land-office deposites, the discounts at Cincinnati, were less than the population and business of the city would have justified, and were considered as perfectly secure. The excess complained of, resulted entirely, from the loans which were made, to save the depreciated paper, cast on the branch by the treasury arrangement.

The bank was very unfortunate, in the selection of its agent. Mr. Wilson, though a ready, correct accountant, and probably an honest man, was weak, ignorant, subject to violent prejudices, and easily imposed on. His character was immediately penetrated; and he was made the tool of intrigu-

ing men, who had their own objects to accomplish, in dictating his course.

An exaggerated statement appeared in the public prints of that day, calculated to create a belief, that the bank would sustain a heavy loss, by the operations of their office, at this place. The fact, however, has been very much the reverse. They have received their own, with usury; every dollar of capital furnished, including the land-office trash, charged as par funds, has been repaid; and in addition to this, it is believed, they have made a very large profit on the real estate taken from their debtors, generally, at their own prices.

Let me now call your attention to another subject, of some importance. Under the late system for disposing of the public domain, which authorised sales on credit, at the minimum of two dollars per acre, an immense debt was contracted, probably exceeding the whole amount of money, then in the western states. In 1821, the sentiment was very prevalent, that the debt due to government for lands sold, exceeded the ability of the purchasers to pay. It was very evident, that neither the speculator, who had purchased with a view of selling at a profit, nor the industrious farmer, who had bought for the purpose of cultivation, and whose views were confined, to the subsistence of his family, could procure the money necessary to save his land.

Among the early emigrants to the west, scarcely one could be found, who was able to purchase for cash. Many of them exhausted their last dollar, in raising their first payment, and it was not uncommon, to borrow small sums for that purpose. Having resided at this place, before, and ever since the land-offices were first opened, I had a general knowledge of their operation, and of the situation of the great mass of purchasers, who were indebted to the government. It was my opinion, that nineteen of them, out of twenty, would lose their land, under the laws then in force; unless relief should be obtained from Congress. The embarrassment, as to money matters, was great and universal. The banks had

suspended specie payments — credit was at an end, and money was not to be had on any terms. Being a purchaser myself, to a considerable amount, I felt the pressure, in common with others. Such being the state of things, a general gloom brooded on the countenance of the community — the people were sinking in despair — hope seemed to have deserted them, and they were preparing to meet their fate, with the best resolution they could muster. The debt due to the government, at the different land-offices, in 1820, amounted to twenty-two millions of dollars; a sum, which very far exceeded the ability of the country to pay. In fact, it was a crisis in the affairs of the west, and the most bouyant spirits among us, were not able to give place to a rational hope, that the bursting of the storm, could be prevented; or its ruinous consequences repaired. Thousands of industrious men, who had made a first and a second payment, on their farms — in some instances a third, and had labored like slaves, in felling the forest, erecting their cabins, and bringing the soil under cultivation, began to fear, that their money and their labor would be lost, by the forfeiture of their lands.

The amount of debt, beyond the means of payment, was so great, as to threaten a general bankruptcy. It excited fears, in the minds of politicians and patriots, in every part of the nation; that an attempt to enforce payment, by forfeiting the land, under the act of Congress, would produce resistance, and probably terminate, in a civil war. I am convinced, that at least half of the men north-west of the Ohio, were in debt to the government; and it is a reasonable calculation, that a moiety of the other half, felt an interest, more or less operative, in their favor. A similar state of things, though perhaps not to the same extent, existed in Alabama, Mississippi, Louisiana, and Missouri. An interest so operative on the feelings, and so universal; pervading such a vast extent of country, might well create forebodings of danger, in the mind of every reflecting man. A portion of this debt, was due from individuals, who had purchased, for

the purpose of selling, at an advance; and although less sympathy was felt for them, than for the actual settler, yet, in a legal point of view, their claims were equally strong. But be this as it may, it is quite evident, that if an attempt had been made, to enforce the penalty of the land-laws; the influence of this class, in organising, and sustaining a plan of resistance, would have been much the most operative. As soon as the situation of these debtors to the government, became generally known, a sympathetic feeling was manifested in their behalf, throughout the Union. Being myself one of them, and feeling encouraged by the friendly disposition, manifested everywhere; my attention was turned to the subject; with a view of devising a plan of relief. It required no deliberation, to arrive at the conclusion, that the debt could never be paid; and consequently, that no permanent relief would be afforded, by an extension of time. I soon became convinced, that the only practicable method of removing the difficulty, was, to obtain the right of relinquishing as much of the land, as the purchasers could not pay for, with the privilege of applying the money, paid on relinquished tracts, to the credit of such other tracts, as might be retained, in such manner, as would save to the actual settler, his improvements, and at the same time to obtain a release of the back interest. This view of the subject was stated to my friend, G. A. Worth, cashier of the branch bank at this place, who was interested in the matter, and who very cordially, approved of the plan. I immediately drafted a memorial to Congress, setting forth, in detail, the proposed plan of relief. It was shown to Mr. Worth, Judge Burke, and a few others, who were pleased with the project, and assisted in defraying the expense of printing twelve, or fifteen hundred copies. The printing was done by Messrs. Morgan & Lodge, who generously declined receiving any compensation for their labor. A circular letter was also prepared, and sent with the memorial, by mail, to influential men, in this, and in every other state and territory, in which government land

had been sold. Our correspondents were urged to multiply copies of the memorial, and to have them circulated in every neighborhood and settlement, in which an interest was felt on the subject. Our postmaster, Judge Burke, to whom the original draft of the memorial was submitted, not only approved of the plan, but took a warm and active part, in having it printed and extensively circulated. Mr. Worth also contributed to the expense, and exerted all his influence in giving effect to the scheme. Other individuals with whom I consulted, aided in circulating the memorial, and commending it to public attention. As the plan was universally approved, copies were multiplied and circulated simultaneously, in every part of the Ohio and Mississippi valley. The consequence was, that at the succeeding session of Congress, the tables of both houses, were loaded with copies of this memorial, signed by thousands of the inhabitants, of all parts of the western country. Congress took up the subject with great earnestness, and passed the act of 1821, granting relief, in the form requested in the memorial. By this measure, the entire west, was relieved from a state of embarrassment, which, had it continued, must have produced results too unpleasant to be contemplated. It is believed, that the plan adopted, was as efficient as any other, that could have been devised. The passage of this act, relieved the people, and strengthened their confidence, in the benignity of the general government; while it removed a cause of disquietude and distress, which had threatened the tranquility of the western country.

In connection with what has already been said, in relation to the public lands, it may not be out of place, to make a few suggestions, in reference to the grants, made by Congress, to the state of Ohio, for canal purposes. You are aware, that in May, 1828, Congress granted to the state of Ohio, five hundred thousand acres of land, for the purpose of aiding her, in the payment of the debt, that had been, or might thereafter be contracted, in the construction of her canals, under the authority of laws then in force, or that might there-

after be enacted. The act required the canals, which had been commenced, prior to its passage, to be completed in seven years. The canal to connect lake Erie at Cleveland, with the Ohio at Portsmouth, and the canal from Cincinnati to Dayton, had been already commenced, and were in successful progress, towards their completion. By the same law, there was granted to the state, for the purpose of aiding in the extension of the Miami canal, from Dayton to lake Erie, by the Maumee route, a quantity of land, equal to one-half of five sections in width, on each side of said canal, between Dayton and the Maumee river, at the mouth of the Auglaize, *so far as the same should be located through the public land.* This grant, for the benefit of the Miami canal, was made on the express condition, that the extension from Dayton to the lake, should be commenced in five years, and completed within twenty years, or the state should be bound to pay the United States, the price of the land. The seventh section of the act declared, that it should take effect, provided the legislature of Ohio, at the first session thereafter, should express the assent of the state, to the several provisions and conditions thereof; without which, it was to be wholly inoperative. The conditions imposed by Congress, excited serious apprehension, in the minds of the legislature, and the reflecting part of our citizens. Rather, however, than lose the grant of five hundred thousand acres, they assented to the condition of finishing the canal from Cleveland to Portsmouth, and from Cincinnati to Dayton, within the period stipulated; but as it was believed, that the extension of the Miami canal from Dayton, would be attended with great difficulty, and that the cost, above the amount of the grant, for that purpose, might be greater than the state would be able to bear, the legislature were not willing, to assume the responsibility, of completing it, within the time limited: although the omission to do so, might be attended with a loss of the grant.

Thus the matter stood, till the session of 1829—30.

Being at that time a member of the United States Senate, and feeling a deep interest, in the completion of the Miami canal, I determined to make an effort, to obtain the passage of a law, for the double purpose, of removing the penalty, which the state was unwilling to risk; and of procuring an additional grant, for the same purpose; so as to insure the accomplishment of that most valuable work. You will observe, that the law of 1828, made no provision for such portions of this canal, as passed through lands, not then belonging to to the government—of course, from Dayton to the Indian boundary, the state was to defray the whole expense, without the aid of government; and beyond that line, they were not to receive land, for such portions of the work, as might be located on ground, previously sold. Making these deductions from the entire length of the canal, there was probably one-fourth of the distance, from Dayton to Defiance, for which no provision was made; the entire expense of which must have fallen on the state. The feeling, which had been manifested in the legislature, and which seemed to occupy the minds of the great mass of our citizens, clearly indicated a determination, to give up the grant for the aid of this canal, rather than assume an obligation, to complete the work, in the period stipulated. The question, therefore, on my mind was, whether it were better to submit to this forfeiture, and suffer that improvement to pass out of sight, or make an effort to get rid of the penalty, and if possible, obtain an enlargement of the grant. The subject was mentioned to my colleague, and to most, if not all of our members in the house. They expressed their readiness to assist in carrying through the project, but gave it as their opinion, that the attempt would be abortive. My own hopes, I confess, were not very strong, yet the importance of the object was such, that I resolved to go on.

For the purpose of bringing the subject before the Senate, I offered a resolution, instructing the committee on the public lands, to enquire into the matter, and report by bill or other-

wise, The resolution was adopted, and soon after, Mr. Barton, chairman of the land committee, gave me notice, that they were ready to hear the grounds of my application. At their next meeting, I attended, and among other things, urged the great progress the state had made, towards the completion of her canals already commenced — the advantage the government would receive, from the enhanced value of her lands — the hardship of exacting payment for the lands, in any event, after the state had applied the proceeds faithfully to the object intended — the impolicy of so legislating, as to create penalties or debts, against any of the states — the claims of the people of Ohio, as the first pioneers of the west — their sufferings during the Indian war, which commenced, with the commencement of the settlement of the public domain — their agency in bringing that war to a successful close — the fact, that they had been compelled to pay two dollars, as the minimum for their lands, making an excess of about six hundred thousand dollars, above what it would have cost them, at the then reduced price. I also laid before them a statement, from the commissioner of the general land-office, showing that the whole sum, received from the sales of public lands, was thirty seven millions five hundred and ninety-seven thousand, six hundred and fifteen dollars; and of that amount, that the citizens of Ohio had paid, sixteen millions four hundred and ten thousand, one hundred and fifteen dollars. I also exhibited a statement of the lands within the limits of Ohio, appropriated by Congress, to satisfy claims which originated principally, under the old confederation; amounting to about nine millions of acres; and I insisted, that what the government had done for the state, was a trifle, compared with her just and well founded claims. Considering the amount of purchase-money received for their lands in Ohio — the price we had paid, and the quantum of land debt, satisfied by appropriations within our limits, I contended, that the nation had already realized, from her domain in our state, more benefit than she ever would receive, from any other of

the new states, though most of them contained much more of her land, than Ohio.

The next day, at the request of the chairman, I drafted a report in favor of the application, and a bill to carry it into effect, which were presented, by him, to the Senate. The bill repealed that part of the act of 1828, which imposed the forfeiture, and in addition to the land given by that act, it gave to the state, five sections for every mile of the canal, located on land previously sold. From Dayton to the Indian boundary, a distance by the line of the canal, of about forty-seven miles, the land had been entirely sold. Some tracts had also been sold, above that line, over which the canal passed. Estimating these at only three miles, the bill made an additional grant of two hundred and fifty sections, or one hundred and sixty thousand acres. It contained also a provision, authorising the legislature, to apply the proceeds to a rail-road or a canal, as they might see proper. The report was satisfactory. It convinced a majority of the Senate, that Ohio had a just claim on government for assistance, beyond that, which the former law proposed to give. The bill consequently passed, with but little alteration, or opposition, and subsequently became a law. Knowing the feelings, which were entertained by a large majority of the state, in reference to this canal, I hazard nothing in saying, that its completion will be ascribable, principally, to the passage of this act.

In the close of this letter, let me state a few facts relating to one of the most interesting of the western pioneers, whose biography ought to be perpetuated, and whose name should never be forgotten by the inhabitants of the western country. I refer to General Simon Kenton, the cotemporary and coadjutor of Daniel Boone, than whom none can be found, who have done or suffered more, in settling and defending the Ohio valley. When the United States were colonies, containing a population less numerous, than we now find in this great valley, those hardy adventurers, as if moved by the finger of Providence, left the habitations of civilized men,

and penetrated to the centre of this, then savage wilderness, never before trodden by the feet of white men. Boone led the way, in 1769, from Maryland — Kenton followed from Virginia, in a few years after — if my memory be correct, in 1773. About that time, he had a rencounter with one of his neighbors in Virginia, a young man, with whom he had lived in habits of friendship, which terminated, as he then erroneously supposed, in the death of his friend. To escape the consequences of the act, which he believed he had perpetrated, and to fly, if possible, from his own excited feelings, he left his home and his friends, and unaccompanied by any human being, crossed the mountains and came into the valley of the Kenhawa, under the assumed name of Simon Butler. He retained that name for many years, and until he received information that his friend, who, he supposed, had perished by his hand, was alive and in health. He then resumed his proper name, and disclosed the reason, which had induced him to abandon it for the assumed one of Butler, by which he had passed for many years. He was in the great battle, at the mouth of the Kenhawa. The next information we have of him, is that he commenced a station, in 1775, in the neighborhood of the place, where the town of Washington, in Kentucky, now stands — that he was driven from it by the Indians, soon after, and that he did not re-occupy it till 1784.

He was one of the boldest and most active defenders of the western country, from the dawn of its settlement till the close of Indian hostilities in the west. Scarcely a battle was fought, or an expedition carried into the Indian settlements, in which Kenton did not take a conspicuous part. He was taken prisoner by the Indians several times, and as often made his escape, and returned to his friends in Kentucky. Once they resolved to destroy his life, by a most barbarous plan — they placed him on a horse — tied his hands together — fastened his feet under the body of the horse, and turned him loose. In that way he was conveyed to the Indian towns, on the Maumee. Before he reached the end of his journey, he

was bruised from head to foot. One arm and one leg were broken; yet he survived, and after his bruises and fractures were healed, he made his escape, and returned again to his friends. On another occasion, he was taken and carried to one of their towns. A council was held, and he was condemned to run the gauntlet. In this proceeding, the Indians formed two lines, at the distance of five or six feet apart—some of them were provided with whips, and others with clubs. The victim was compelled to run through the ranks, from one extreme to the other, and to receive a blow from every Indian, he passed. If he fell in the race, he was instantly put to death; but if he succeeded in getting through, and survived his wounds, he was spared. Kenton passed through the dreadful ordeal, without falling, but was so bruised, crippled, and maimed, that he fell the moment he reached the goal. He recovered, however, and once more, escaped from his captors.

About the year 1805–6, he removed to Ohio. At the commencement of the late war with Great Britain, he had attained to the age of about seventy years, yet he joined the army under General Harrison, as a volunteer, received the command of a regiment, and discharged his duty with the promptness and vigor of youth.

When the troops were stationed at Urbana, a mutinous plan was formed by a part of them, to attack and destroy a settlement of friendly Indians, who had removed with their families, within our frontier settlements, under an assurance that they should be protected. Kenton remonstrated against the measure, as being not only mutinous, but treacherous and cowardly. He contrasted his knowledge and experience of the Indian character with their ignorance of it. He vindicated them against the charge of treachery, which was alleged as a justification of the act, they were about to perpetrate; and reminded them of the infamy they would incur, by destroying a defenceless band of men, women and children, who had placed themselves in their power, relying on a solemn prom-

ise of protection. He appealed to their humanity — their honor, and their duty as soldiers. Having exhausted all the means of persuasion in his power, and finding them resolved to execute their purpose, he took a rifle, and declared with great firmness that he would accompany them to the Indian encampment, and shoot down the first man who dared to molest them — that if they entered the camp, they should do it by passing over his corpse. Knowing that the *old veteran*, would redeem his pledge, they abandoned their purpose, and the poor Indians were saved. Though he was brave as Cæsar, and reckless of danger, when it was his duty to expose his person; yet he was mild, even-tempered, and had a heart which could bleed at the distresses of others.

When I first became acquainted with Kenton, in 1796, he was possessed of a large estate. A more honorable, generous, kind-hearted man could not be found. His house was always open to strangers, as well as friends. Every traveler, who called, was received with kindness — treated with hospitality, and pressed to stay, till himself and his horse should be recruited. His residence was then in the vicinity of Washington, Kentucky, where he cultivated a farm of a thousand acres, of the finest land in the country. In 1797, on my way from Limestone to Lexington, I stopped and spent a day at his house, and partook of his hospitality with great satisfaction. He pressed me to stay with him longer, but my business would not permit me to do so.

Unfortunately, he was illiterate, and altogether too confiding. Judging others by himself, he was not conscious of the danger, to which his unsuspecting mind exposed him — he believed men were generally honest, nor did he awake from that delusion, till he was cheated out of his whole estate. This was done, principally by one of his own relatives, to whom he had confided the management of his affairs. At an advanced age, he was reduced from affluence to abject poverty, and left dependent on the charity of a humane son-in-law, who was himself poor, and depended on his daily labor for his daily

bread. Yet he was cheerful and happy, and although he saw the children of his treacherous friend, living in affluence at his expense, he told me that he would not exchange situations with them, for twice the amount of their ill-gotten wealth. "I can," said he, "sleep quietly, while they are suffering the pangs inflicted by a guilty conscience."

Before I became a member of the Senate, General Vance, who was in the House of Representatives, had made several efforts to obtain a pension for this unfortunate but meritorious pioneer. When we met in Washington city, in 1828, we determined to make another effort in his behalf. A bill was introduced in the House of Representatives, granting him a pension, and by the persevering energy and personal influence of General Vance, was carried through. It came to the Senate, late in the session, and was referred to the appropriate committee. I advocated it, in the committee room, and found no difficulty in convincing them of the justice and equity of the claim. They reported it back to the Senate, with an opinion, that it ought to pass. The case did not come within the provisions of any of the pension laws, on the statute book. It was opposed on that ground, and resisted by the strict constructionists, as a dangerous precedent. But the effect of their opposition was finally defeated, by a full and faithful exhibition of the services and sufferings of the applicant. It was shown that his life had been one succession of exposure and suffering in defence of his country, from the battle of the Kenhawa, before the declaration of independence, to the last victory of Harrison on the Thames. The friends of the bill contended, that the case could not become a dangerous precedent, because there was no parallel to it — that the claim was one, *sui generis*, and could never be referred to, for the purpose of sustaining other claims; but that if, it could, if there were many cases presenting the same evidence of exposure and suffering in the defence of the country, they would form a new class, as meritorious as any, which had yet been provided for; not

excepting those of the army of the revolution. During the discussion, the feelings of General Smith, of Baltimore, were very much enlisted. He made a brief appeal to the humanity and justice of the Senate, in favor of the claim; in which he declared, that if there was no law for the relief of such heroes as Kenton, there ought to be; but whether or not, he would give him a pension. The bill passed, by a large majority, and, as it referred back to the date of the first application, it gave him an ample support for the remnant of his life.

Very respectfully,
J BURNET.

J. DELAFIELD, JR.

ANNUAL DISCOURSE,

DELIVERED BEFORE THE OHIO HISTORICAL AND PHILOSOPHICAL SOCIETY, AT COLUMBUS, ON THE 23D OF DECEMBER, 1837, BY TIMOTHY WALKER.

MR. PRESIDENT AND GENTLEMEN:—I have been induced to accept the invitation to deliver the annual discourse before your learned body, chiefly from the consideration, that how-muchsoever I may fall short of what the place and the occasion require, I shall at least have an opportunity of evincing my high appreciation of the honor of being your organ, and my ardent desire to contribute something, little though it be, towards promoting the exalted objects of your association.

These objects are comprehensively summed up in the two potent words, HISTORY and PHILOSOPHY. How vast the separate import of each, and how mighty their combined effect! Contemplate history alone, and what terms can adequately express its importance? If, with all the lights now reflected from experience, human existence be still in many respects a profound enigma, what would it not have been, with all these lights extinguished? Imagine, for a moment, all records of past events obliterated. Retain all other books and monuments, but let those of history be erased, expunged, annihilated—and then look around you. You see the fleeting present; you dimly guess, perhaps, at the doubtful future; but the PAST—the fixed, the mighty, the instructive past—what is it? All blank oblivion. Behind you stretches a dark, unknown, interminable gulf, which utterly severs you from the elder world. Across its still and sullen waters there comes no welcome voice, to greet you as brethren of the great human family which has passed away. All is dead silence, deep as of the grave. You know not

who have lived before your time, nor what has been their fate. The chords of universal sympathy are shortened to a point. Your puny race commences with your own generation; and the precious memories of sixty centuries are lost to you forever. This great abstract idea has been clothed with a form which speaks forcibly to the eye. TIME has been represented as a gigantic, inexorable being, furnished with wings, and armed with a scythe: the one denoting his ceaseless flight, the other that he cuts down all before him. And such, in truth, would be his all-devastating career, were it not for HISTORY, which has likewise been embodied; and here you behold a still more powerful and majestic being, who grapples fearlessly with the giant Time, and wrests from his grasp the destroying scythe.

But barely to perpetuate the remembrance of facts, is not the highest office of history. It also records the ultimate judgments of mankind upon the actions of mankind. It is the stern arbiter of all earthly reputation, from whose award there lies no appeal. With a severely just and impartial pen, it writes, for all who move in an elevated sphere, the irreversible sentence of glory or infamy. And who can measure the influence which it thus exercises over the conduct of those who aspire to its cognisance? To men who are truly great, and conscious of having greatly deserved, but who, in the prosecution of their lofty enterprises, have encountered unmerited opposition and abuse from contemporaries, who could not or would not appreciate them, the assurance of an ultimate vindication by the historian must be indescribably precious. That virtue would be almost superhuman, which, without this confidence, could sustain its possessor through a life of magnanimous opposition to presumptuous ignorance or vulgar prejudice. To persist strenuously in a high-minded course, at the certain sacrifice of even temporary popularity, requires no small degree of resolution. But where is the heroism that would not cower at the thought of remaining always unjustified — a permanent blot on the

fair page of history? Could the DISCOVERER of this hemisphere, for example—the most deserving, and yet most injured, among the sons of men—could he have persevered through every form of peril, difficulty and discouragement, which could possibly be crowded into his protracted life—maintaining his sublime enthusiasm and irrepressible energy through all reverses—desponding not when he saw the faithlessness of the great conspiring with the envy of the little, to rob him at once of fortune and of glory—could he, without once faltering, have gone through this, if high historic faith had not sustained him—if, through the breaking clouds which lowered around him, he had not caught some glimpses of that triumphant justification, that full and glorious measure of renown, laid up for him in after times? And, on the other hand, the NEROS and CALIGULAS, who have trampled on mankind—would they not have cumbered the earth more frequently, but for the historic retribution which awaits such characters? If they ever venture to look forward, must they not shrink from the doom of immortal infamy? Even when no laws, human or divine, are sufficient to check their insane passions, can they yet anticipate, without dismay, the world's everlasting abhorrence? If so, it is because, with nothing left to hope, there can be nothing to dread. But at all events, they bequeath their lives for a lesson to posterity; and thus the veriest scourges of our race are made subservient to good, when they have ceased to be instruments of evil. In the long lapse of ages, who shall say that the fearful warning of their examples, emblazoned on the deathless pages of history, may not save the world from more and greater crimes, than the brief measure of existence allowed them to perpetrate? Who shall say that Europe, for example, has not received a lesson from that wonderful man, who lately wielded her destinies with such resistless sway, which shall operate powerfully for her freedom and repose, when the millions who fell to pave his pathway, shall all be forgotten?

"Thanks for that lesson—it shall teach
To after warriors more,
Than high philosophy could preach,
And vainly preached before."

But history can scarcely be contemplated apart from philosophy; because that wisdom which is learned from experience, is the best and highest wisdom; and in this view, history and philosophy walk hand in hand. An ancient sage has beautifully illustrated this idea, by saying that "history is philosophy teaching by example." Judiciously then have you combined the two, as the high objects of your association. And surely never, in the annals of time, has philosophy instructed mankind by more useful examples, than the history of Ohio, if worthily written, would record for the admiration of the world. I speak not now of those warlike examples which form so large a part of the teaching of the past—although Ohio too, has had her heroic age. But I speak of those wonderful examples of peaceful progress, which have never been equaled on the face of the globe. Few comparatively as our years have been, we have more than realised the common growth of centuries. The wondrous fable of the dragon's teeth is scarcely more miraculous than the increase of our population.

That I am not indulging in exaggeration, a few familiar dates will prove. On the 13th of July, 1787, the Congress of the confederation adopted the celebrated ordinance, which prepared this then wilderness for social existence, by throwing around it the first protection of law. This, then, is the era, from which our history commences. On the 7th of April, 1788, CUTLER, and his fellow pioneers from New England, arrived at Marietta, and there began the first settlement of Ohio. On the 29th of November, 1802, the convention, at Chillicothe, signed that constitution, which made Ohio a member of the Union, with a population of perhaps fifty thousand. In 1830, the census gave Ohio but a fraction less than a *million* of inhabitants. And now, at

the end of fifty years from the adoption of the ordinance; forty-nine from the first settlement of the state; and thirty-five from her admission into the Union; we are assembled here, in the capitol of one of the largest states in the confederacy, to lay offerings upon the shrine of our history and philosophy!

When Burke, in his great speech on conciliation with America, desired to illustrate, in the strongest possible manner, the future importance of the colonies to England, if they could be retained as such — he seized upon the striking fact, that their growth had chiefly taken place within the short period of the life of man; and then, in one of the most splendid efforts of his unrivaled eloquence, he imagined the angel of his aged friend, Lord Bathurst, seventy years before, in predicting to that nobleman, in his youth, the rising glories of England, to have pointed to America — "then a little speck, scarce visible in the mass of the national interest; a small seminal principle, rather than a formed body" — and to have said to him — "young man, there is America, which at this day serves little more than to amuse you with stories of savage men, and uncouth manners; yet shall before you taste of death, show itself equal to the whole of that commerce, which now attracts the envy of the world. Whatever England has been growing to, by a progressive increase of improvement, brought in by varieties of people, by succession of civilising conquests and civilising settlements, in a series of seventeen hundred years, you shall see as much added to her by America, in the course of a single life!"

NATHAN DANE, the author of the ordinance before referred to, is now no more. He died on the 15th of February, 1835, in the eighty-third year of his age, and full of honors as of years. He framed that ordinance for four hundred thousand square miles of unpeopled solitude. He lived to see its broad shield cover more than two millions of civilised men, surrounded by all the substantial elements of happiness! That it would have required an angel's prescience for him to have foretold this, in 1787, who can doubt?

Yet it did take place in a little more than one half of the period of his life! If, then, our colonial growth, in seventy years, was sufficiently astounding, to justify the bold figure of an angel lifting the veil from the future, by what startling imagery would Burke have portrayed our growth in fifty years? I venture to say, that nothing less than a voice direct from the Almighty throne, could have created belief in a prophecy of what we have witnessed. If the first adventurers, in order to induce the youth of New England to join their expedition, had predicted any thing like the truth, they would have been treated as madmen! Yes, as madmen! In fact, we know that they were so regarded, by many of their contemporaries, although their wildest dreams of expectation did not approach the amazing reality which surrounds us. Nor can we wonder at this; for anticipations of the future must have some foundation in the experience of the past; and history could furnish no such foundation in this case. If, even now — with all the glorious evidences before and around us — when our surface is spangled all over with cultivated farms, neat villages, and bustling cities — when our lakes, our rivers, our canals, and our roads, are all crowded with vehicles of commerce, deep freighted with the products of our various industry, — if we, who see all this, can scarcely take in the idea, that many a living man remembers the day, when all this smiling region was one vast, unbroken, frowning forest — how could it have dawned upon the most far reaching mind, when the wagon of the first immigrants was seen slowly lumbering towards the west, that it contained the founders of a state like this? But I strive in vain for adequate terms to describe the contrast. What would elsewhere have the appearance of daring hyperbole, is here so far within the truth, as to sound tame and feeble to those who have seen what is attempted to be described.

And yet the hireling writers of the old world, having no such recent progress to boast of, recur for superiority to their transmitted glories, and taunt us with our want of antiquity!

We do indeed lack their antiquity. But as an offset for this, even we, among the newest people of this new world, can show the materials for a history—the stupendous facts—which, in the eye of sound philosophy or enlightened philanthropy, will cast the proudest annals of Europe deep into the shade. In the bloody narratives of all-desolating war—in the harrowing disclosures of remorseless tyranny trampling human rights in the dust—we acknowledge their superiority, and let them make the most of it. But in the peaceful progress of unshackled enterprise—in the rapid promotion of the greatest happiness of the greatest number, with the smallest outward means—in the manifestation of those blessed energies which convert a wilderness into a paradise—we challenge all time to produce one parallel to our history.

True, this history is not yet written. Some valuable sketches have indeed been furnished; but nowhere can the enquirer find a full and authentic history of Ohio. This is certainly a subject of regret; but, under the circumstances, not of surprise or shame. It is deeply to be regretted, because the sources of information are daily drying up. The eye-witnesses of our earliest events are fast disappearing. The memory of every pioneer is a rich magazine of unwritten history, of which time is rapidly robbing us. One after another, the aged fathers of Ohio are sinking into the tomb, and with them perish their unpublished memoirs. Gladly would they have told their adventures; but that they should have written them, was not to be expected. To write narratives is the province of leisure, as well as learning; and the subduers of a wilderness had enough else to think of. But the excuse, which is ample for them, will not always avail their successors. The time has arrived when we ought to take shame to ourselves, if we do not rescue from oblivion, these precious but fleeting recollections. We should regard this, not merely as a matter of laudable pride, but of imperious duty. We owe it to the world, as well as to ourselves, to contribute our proportion to the great aggregate of written

experience. That we acknowledge this debt, is evinced by the bare existence of this association. The leading object we propose to ourselves, is to collect and preserve the scattered and decaying materials of our history. But as yet, like too many debtors, we have rested in promises only. Let the confession, however humiliating, be candidly made — we ought to have done much more than we have; and now is the proper time to pledge ourselves to more exertion. We have this year closed our first half century; and it forms a convenient period for the first division of the history of Ohio.

I do not propose, in this discourse, to enter into historical details, because they would be unsuited to the occasion. But recurring to the idea before quoted—that history is philosophy teaching by example — and remembering that examples may be held up, as well for warning as imitation; I propose to glance at some of the more prominent facts in our history, offering such comments as truth may seem to warrant. That there must be much to admire, is certain; that there will be something to censure, may be set down as equally certain. I shall speak with entire freedom, in either view; and rely upon your justice for a candid construction. The review will embrace some of the leading causes which have promoted or retarded our march, to the present time; and lest I may not be so fortunate as to awaken your interest, allow me, in advance, to bespeak your patience.

The first cause of our wonderful progress is undoubtedly to be found in the character and position of our soil. Possessing a fertility which cannot be surpassed; and being bounded by a broad lake on one side, and a noble river on the other, so as to furnish every facility for commerce and manufactures, as well as agriculture; the very first observer must have seen that twenty-five millions of acres of such land, so situated, could support at least five millions of people, without tasking its natural energies to any thing like the extent witnessed in the more crowded portions of Europe. And if to these considerations, we add a mild and healthy

climate, equally removed from the severe cold of the north, and the intense heat of the south, together with the fact that our south-west corner touches very nearly, if not quite, the geographical centre of the Union; we shall find, in the character and position of our soil, every inducement which a settler could desire. He must have been perfectly sure that Ohio would become an important state, because nature, in characters not to be mistaken, had stamped this destiny upon her very face.

And if the settler turned from the contemplation of the soil, to the first fundamental law by which his rights would be determined, the inducement was multiplied ten-fold. He saw, in the ordinance of 1787, a solemn compact, made in advance, between the original states and the people, and future states in this territory, which was forever to remain unalterable, unless by common consent, and which fixed and established the fundamental principles of civil and religious liberty, as the basis of all laws, constitutions, and governments, to be formed therein through all coming time. Upon the surpassing excellence of this ordinance, no language of panegyric would be extravagant. The Romans would have imagined some divine Egeria for its author. It approaches as nearly to absolute perfection, as any thing to be found in the legislation of mankind; for after the experience of fifty years, it would perhaps be impossible to alter without marring it. In short, it is one of those matchless specimens of sagacious forecast, which even the reckless spirit of innovation would not venture to assail. My limits will not allow me to dilate upon its provisions; but suffice it to say, that besides embodying all the great principles of right which had then been tried, it strengthened the very outposts of freedom, by enumerating several never before declared. It made the promotion of education a sacred duty of government, secured existing contracts against retro-active legislation, prevented the lingering remnants of feudality from taking root in our soil, guarantied the utmost good faith towards the Indians,

and barred the territory forever against slaves. The immigrant, therefore, knew beforehand, that this was a land of the highest political, as well as natural promise; and under the auspices of another Moses, he journeyed with confidence towards his new Canaan.

In the next place, the peculiar condition of our country, at this epoch, made a new field of enterprise especially desirable. The armies of the revolution had recently been disbanded; and the surviving soldiers had spent all but their blood, in achieving our independence. However rich they went into the contest, they came out poor. Whither then were they to go, to retrieve their ruined fortunes? Not to commerce, for commerce was then prostrate. Not to manufactures, for they were not yet established. Agriculture therefore, was their only resource; and this wild region was the very place to begin life anew. Here no stock in trade was required, but the musket and the axe; and log cabins would be palaces to those who had slept so long in camps. Thus the necessities of a country exhausted by war, caused the west, though a wilderness, to be regarded as an asylum.

Again, it was an important consideration, that this whole territory belonged to the vast public domain, then recently acquired by cessions from the several states. I am at a loss for words to express the emotions excited by this sublime preliminary to the commencement of our history. Contrasted with the common selfishness of human actions, how can we sufficiently admire the entire self-forgetfulness in which this concession originated? A concession, which for high-souled patriotism and magnanimity, has no parallel in the history of any people. A concession, without which our precious Union would not have been formed. A concession by which thirteen rival states, immersed in debt, and distracted by vast conflicting claims to vacant territory, with one generous accord put an end to growing strife, by throwing the whole into a great public fund, for the equal benefit of all. Search through the records of national discord, and point me a single

instance of a termination like this — where a public domain, out of which mighty empires might have been carved by a conquerer's sword, instead of being brought to the customary arbitrament of war, was made a grand peace-offering on the altar of concord! Well may we glory in this first great fact in our history, when we cannot even trace back the title to our land without being reminded of the sacrifice made for the Union. But the first settler saw in it something more than a sublime moral spectacle. He justly laid much stress upon the fact, that the entire soil, in which he was to acquire an interest, belonged to a single, wise and powerful proprietor, who would of course adopt the most liberal policy in disposing of it. He foresaw that he should have, in the federal government, an able and willing coadjutor in whatsoever might promise to advance the general improvement of the country. And how abundantly has this expectation been realized? not only has the price per acre been fixed as low as sound judgment would permit; not only has the admirable scheme of survey and sale afforded the utmost security for good titles; not only were purchasers from Congress exempted from taxation for five years from the time of purchase; but with a generosity only equaled by that which gave these lands to the Union, Congress have, in their turn, actually given away, for various benevolent objects, about one-fifth of the entire surface of Ohio. At first religion, as the highest interest of man, came in for its share in these appropriations. But a most prudent determination to keep church and state as distinct as possible, to avoid encouraging sectarian strife, and to close the door forever against religious importunity or favoritism, soon induced Congress to leave religion to its own abundant resources in the human heart, and to confine their donations chiefly to the purposes of education and internal improvements. To education, besides several specific grants, one thirty-sixth part of our soil has been forever consecrated; and thus it is hardly a metaphor, to say that the tree of knowledge was the first exotic planted in our Eden. To

internal improvements the successive donations have been much greater; and thus our physical and intellectual welfare have been alike promoted. That all this was foreseen by the first adventurers, is not probable; for in that case, the country would have been filled up at once, as by a deluge of immigration. But that high anticipations of the enlightened liberality of Congress, formed a strong inducement to the first settlers, cannot be doubted; and the result has more than equaled their most sanguine expectations. Indeed, whether we look to the acquisition or disposition of the public domain, we find, in either view, enough to call forth our most hearty congratulations.

Such, briefly, were some of the leading inducements, to immigration, held out by Ohio, while yet a wilderness. But this is only the foreground of the picture. Behind were clustered dark images of loneliness, and hardship, and peril, which served to test the daring spirit of the pioneers, and give their enterprise a character for dauntless heroism. These immense forests were thronged with savages, who claimed to hold them by right of immemorial occupancy, and were sternly resolved to defend them against the white intruder. Even now, some remnants of these once powerful tribes still linger within our borders; but they are subdued, degraded, broken-hearted; and we only see in them the shattered ruins of former prowess — no longer objects of fear, but rather of pity and regret; and in the perfect security which we now enjoy, it is scarcely possible to form an adequate idea of the condition of the first settlers, every moment exposed to these remorseless enemies, and far removed from all hope of human aid. In the beautiful language applied to the first settlers of New England,

> "There were men with hoary hair,
> Amidst that Pilgrim band—
> Why had they come to wither there
> Away from their childhood's land?

"There was woman's fearless eye,
Lit by her deep love's truth;
There was manhood's brow serenely high,
And the fiery heart of youth."

They had not indeed been driven to seek "a faith's pure shrine;" but they had come voluntarily to seek a home—a new, wild, forest home—not such a home as they have left to us; but lacking every thing which we enjoy, and environed with terrors of which we do not dream. When I look back upon their scanty groups, at the few and remote stations, which then dotted the forest, after making every allowance for unflinching resolution and sleepless vigilance, I cannot help regarding their escape from utter extermination, as little short of miraculous; and it seems to me to have required more real hardihood to do what they did, than to have stood with Leonidas, at the pass of Thermopylæ. There may, indeed, have been a time, when the Indians were disposed to greet the white race as celestial visitants. This is indicated by all their first interviews with Europeans, unless where rumors of treachery had warned them to beware. And in contemplating the hapless fate of these children of the wild, it adds unmeasurably to our regret, to think how differently this gentle, confiding, child-like disposition, if it existed, might have been managed. But at the time of which I now speak, this original sweetness of temper had been turned into the bitterest gall. I can find no language strong enough to describe the ferocious malignity with which the Indians now regarded their constantly encroaching competitors for the soil of their fathers. They felt that the crisis of their fate was near. If the whites obtained a foot-hold west of the Alleghanies, they would not stop short of the Pacific. Waging, therefore, a war of desperation, they made it one of extermination; neither asking nor giving quarter. I would not, if I could, narrate the fearful horrors of our first seven years, during which, this was indeed, "*the dark and bloody ground.*" But the sun of peace at length arose, upon this dreary night of storm and

danger. After Harmar and St. Clair had been successfully defeated, and the carnage-fed hopes of the Indians were at the highest, they received a death blow in the victory of Wayne; and on the 3d of August, 1795, panic-struck and despairing, they signed the Greenville treaty, from which we date our peaceful progress. Once only since that defeat, so auspicious to us, but disastrous to them, has a transient hope of regaining their lost ascendancy been kindled by the daring and comprehensive genius of Tecumseh, co-operating in the end, with British hostility. Thus was this region, again, for three years preceding 1814, the theatre of savage warfare; making in all ten years, or one-fifth of the period of our history. But the victories of Harrison and his brave compeers, then settled the fate of the Indians forever. Their vindictive spirit may still remain, but the power to make it widely terrible can never return. To all human appearance, their ultimate destiny is utter extermination. Who are to answer for this, before the God of nations, I hardly dare to think. Whether the pledge in our ordinance, "of the utmost good faith towards them," has been fully kept, I will not here enquire. Their hostility to our fathers was at least natural; and I have dwelt upon it, as adding another wonder to our history. To have commenced a settlement in the midst of such foes, and to have sustained it through such an infancy, is proof conclusive, if proof were wanted, that the first immigrants brought with them, and here practised, all the stern and lofty virtues of our nature. The west at once became a school for heroism. The magnitude of the dangers to be encountered, was of itself a lure to the adventurous spirits on the Atlantic shore; and thus the very difficulty of settlement has redoubled its glory.

We have now seen what the first immigrants had to hope and what to fear. But after the pacification of Fort Greenville, all discouragements were removed, and the tide of immigration rushed westward in torrents. In the eastern states, the most extravagant reports were circulated of Ohio

fertility, the soil was said to be endowed with a self-generating power, which required no seed. Men were to reap abundantly without ploughing or sowing, and all was to be ease and plenty. I can well remember when, in Massachusetts, the rage for moving to Ohio was so great, that resort was had to counteracting fictions, in order to discourage it; and this region was represented as cold, sterile, sickly, and full of all sorts of monsters. Nor was this all. The powerful engine of caricature was set in motion. I have a distinct recollection of a picture, which I saw in boyhood, prefixed to a penny, *anti-moving-to-Ohio pamphlet*, in which a stout, ruddy, well-dressed man, on a sleek fat horse, with a label, "*I am going to Ohio*," meets a pale, and ghastly skeleton of a man, scarcely half dressed, on the wreck of what was once a horse, already bespoken by the more politic crows, with a label, "*I have been to Ohio*." But neither falsehood nor ridicule, could deter the enterprising from seeking a new home. Hither they came in crowds. They did not indeed bring affluence with them, but they brought the bold heart and strong hand, which are infinitely better, to reclaim a wilderness. It may be laid down as an *a priori* truth, that a population made up of immigrants, will contain the hardy and vigorous elements of character, in a far greater proportion, than the same number of persons, born upon the soil, brought up at home, and accustomed to tread in the footsteps of their fathers. As a general rule, it is only the more resolute and energetic class of spirits, that can nerve themselves to the effort required for severing the numberless local, social, and family ties, which bind men to their birth-place. And then, upon arriving in a new country, the very necessity of their condition compels them to think, act, and even originate for themselves. There are no familiar customs, which require only the passive acquiescence of habit. There are no alliances, of family or neighborhood, in which one leans upon another, and each helps all. On the contrary, immigrants meet as strangers, unknowing and unknown, and must depend

upon their own resources. Like soldiers of fortune, who, staking all upon the sword, have thrown away the scabbard, they know that they must either "do or die." Every thing around them cherishes that intense feeling of individuality and self-confidence, which always makes a strong, if not a polished character. And such pre-eminently was the character of the early settlers, — bold, free, resolute, self-dependent, — the very character to lay deep and strong the foundations of a state.

Much also may be justly ascribed to the section of our country, from which so large a number of the first immigrants came — I mean the New England states. Far be it from me to harbor or encourage the narrow sentiment of sectional pride. If men behave themselves as men, I care not from what quarter of the United States they come. Never would I draw lines among the stars of our banner, to divide them off into separate constellations. But the same feeling which would hinder me from depreciating any portion of our own countrymen, would impel me to vindicate them, if unjustly aspersed. And is not this the fact with regard to the people of New England? Because in Europe, all Americans are sneered at as *Yankees*, until the term has become one of reproach; and because, for some reason, which I am not antiquarian enough to understand, Americans have chosen to restrict this appellation to the people of New England, its foreign obloquy has become native only there: and thus, through an unpatriotic imitation of foreign slang, they have been proverbially damned by a cant expression. I know no other reason for this unfounded prejudice, unless it be, that the whole race have been judged of by a few strolling specimens, in the shape of pedlars and swindlers, who early roamed abroad, because they could not stay at home; and like the subtraction of negative quantities, increased the value of what they left behind. But all states contain such characters; and it would seem to be to the honor of any people, to spurn them from their bosom. If, therefore, New England has suffered in the opinion of her sister states,

because they may have been molested by some of her recreant sons, for whom her own atmosphere was uncongenial, she must solace herself with this consideration. But the truth is, that the world has never seen a more honest, industrious, frugal, intelligent, orderly, and generous people, than the aggregate population of New England. Stigmatise them by what name you please, this, all who have been among them, know; and strangers would know it too, if they would but weigh the evidence; for without the possession of all these qualities in the highest degree, how could that enterprising people have flourished as they have, and accomplished what they have, on their comparatively bleak and barren soil? But why attempt to eulogise a people, whose whole history is one continued strain of eulogy? I count it, therefore, among the eminently favorable circumstances attending the first settlement of Ohio, that so large a proportion of the early inhabitants were of the substantial yeomanry of New England. With their energies, and this soil, they could not but thrive rapidly; and the customs, opinions, and tastes, in which they had been reared, have been proved to constitute the choicest elements of social organization.

If, however, any should be inclined to dispute the fact, that New England influence did preponderate, in the early settlement of Ohio, I shall not labor to prove it; for I am sure we shall all agree that this influence, whatever may have been its local origin, was a good influence; since bad seed could not have produced the blessed fruits which we are now enjoying. And, in fact, no particular sectional influence was long very perceptible here; for as the stream of immigration flowed onward, it received accessions from every quarter. Not only all the then existing states of the confederacy, but nearly all the nations of the earth, have contributed to form the Ohio character. I do not remember to have met with an Asiatic, but I could hardly name another people who are not represented here. Indeed, the most effectual steps were early taken to induce foreigners to settle among us. In the first

place, Congress adopted a term of probation for citizenship, which many now deem much too short. And, in the second place, our legislature, in 1804, enacted a law, conferring on aliens, the same capacity to hold land, as citizens; and what other motives could be wanting? We offered to foreigners, upon the instant of their arrival, a solid freehold in the best and cheapest land ever put into market; and after a residence of only five years among us, they could be admitted into the honored brotherhood of American citizens. No wonder, therefore, that they took us at the word, and came in swarms from their crowded hives. Nor shall I stop to enquire, whether we have thus lost in the quality of our population, what we have gained in quantity, as some have affected to fear. The object of these measures was to multiply our numbers, and they have been abundantly successful; for we have increased in a ratio, which procreation never attained. And there are some remarks, which apply equally to all immigrants, foreign or domestic. They do not come full-handed. They come to make a livelihood, not to spend a fortune; to work with their own heads and hands, not to employ the heads and hands of others. Hence we are annoyed with very few drones or loungers, compared with other states. I doubt if a more universal working population ever existed. The proof is, that the vast aggregate capital of Ohio has been created here in a generation and a half—an astonishing result, which nothing can account for, but the fact, that every man, woman, and child, has added something to the mass. And another consequence is, an all-pervading sense of individual importance and self-respect, the very essence of republican equality. This strikes me as one of our most marked characteristics. I know of no people who manifest so little deference for mere wealth, family, or station; and, at the same time, show so much respect for meritorious labor, in whatever sphere. Yet, in this strong feeling of equality, there is little or nothing of the leaven of agrarianism. Almost every one has acquired something already, and

is striving for more; and such are pre-disposed to be satisfied with things as they are. There are only a few unprincipled demagogues, and a few of their pitiful dupes, who, on the mere question of interest, leaving justice out of view, would desire to disturb the existing rights of property. The HAVES —if I may so express it— so far outnumber the HAVE-NOTS; and common sense so instinctively teaches, that, in a general scramble, the latter would come off best, from having nothing to lose, that the former could not be tempted to risk what they have, in so unequal a game. In such a population, demagogueism may thrive, but agrarianism never. Where the actual equality of condition approaches so nearly to the theoretical equality of rights — where, instead of here and there an overgrown fortune, glaring out from the midst of general poverty, we see none very rich, and none very poor, but all commanding the necessaries of life, and looking forward gradually to its luxuries — the leveling disposition will work upward, instead of downward. The many will strive to elevate themselves, rather than pull down the few who happen to be above them; and in this free and generous competition, the whole will press onward and upward. While, therefore, as a state, we have always been decidedly democratic, in the pure sense of this much abused word, we have never been jacobinical. The ferocious principles of the French revolution, for example, would never have found the least favor among us, because we have had no palpable inequality, to conceal their deformity under the guise of plausibility. Aristocracy has no existence here, except in the mouths of politicians, who use it for a humbug. If, therefore, democratic skepticism demand facts, in order to create faith or strengthen hope, they may be found abundantly in our happy experience; for the world has never exhibited a fairer illustration of unmixed republicanism. If the experiment fail here, it can succeed nowhere.

But in pursuing this chain of causes and effects, our total exemption from slavery is not to be overlooked. I am aware

how inflammable this topic has recently become; but I am also aware that in the noble language of our constitution, "every citizen has an indisputable right to speak, write or print, upon any subject, as he thinks proper, being liable for the abuse of that liberty." While, therefore, the citizens of Ohio will ever be loyal to the Union, and stand faithfully by the federal compact, in this, as in all other matters; while they will never sanction the slightest interference with slavery in the states where it exists, because it is their own exclusive domestic concern; yet they will not hesitate to express their opinions respecting it, as freely and fearlessly as upon any other subject. If they regard the absolute prohibition of slavery, by the ordinance of 1787, as ground for deep and lasting congratulation; if they think it by far the wisest and best provision of that incomparable instrument, it becomes them to say so on all proper occasions. Were the question of slavery now for the first time started, among a people who hold liberty to be the great original birthright of all mankind, I presume that throughout the millions of our American population, not one solitary voice would be raised in its favor. But when the conscript fathers of the revolution declared to the world, "that all men are born free and equal," slavery had already acquired the strength of a long established institution; and therefore, of necessity, that was tolerated as an existing and apparently ineradicable evil, which, under any other circumstances, would have been guarded against by all possible precautions. Accordingly, when eleven years after, these same spotless patriots were for the first time legislating for the north-western territory, and the question was whether slavery should be suffered to strike its roots into this virgin soil, they did not hesitate to pronounce their unqualified condemnation of it, as a new question, by inserting a clause of perpetual exclusion. For this they deserve, and I trust have, our lasting gratitude. Not only have they caused our history to commence with a high tribute to the principles of eternal justice, but on the mere score of worldly

economy, they have thus secured to us advantages which cannot be overrated. I unhesitatingly believe, that if the labor of Ohio had been performed by slaves, having no interest in its fruits, instead of freemen toiling for themselves, our population and resources would not have been the half of what they now are. There might have been larger plantations, costlier mansions, and more luxurious proprietors; but the aggregate of wealth, and strength, and comfort, would have been nothing to the present. If any doubt this, let them compare the actual condition of Ohio and Kentucky. What —I would ask in no invidious spirit—but the absence of slavery here, and its presence there, can explain the immense difference in the progress of these two neighboring states? Kentucky has as good citizens, as rich soil, as much of it, a better climate, equal natural facilities for transportation, and was settled twelve years earlier than Ohio. Yet the growth of Ohio has been all but double. Such a fact is worth a world of arguments against the economy of slavery. But as an offset for this, we have lately heard the doctrine advanced in high quarters, that slavery serves as the handmaid of liberty. None, we are told, are so truly free, as they who have nothing to do but command their slaves; and none so truly appreciate their liberty, as they who have the contrast of slavery always before their eyes. Such language would sound well in the mouth of a despot, but it falls with an ill grace from the lips of a professed republican. The truth is, that leaving the slaves themselves out of the question, all the tendencies of slavery are anti-republican, even as respects the free; insomuch that a tolerably accurate idea of the landed aristocracies of Europe may be gathered from our agricultural districts, composed of immense plantations cultivated by slaves; where the few subsist in ease and splendor, on the labors of the many. But I will not pursue this train of thought. The paradox, which makes slavery ancillary to liberty, is too glaring to do harm. The free laborers of Ohio, toiling for and depending on themselves, can never be per-

suaded that they do not prize liberty as dearly, and worship her as sincerely, as the wealthiest slave-holder in all the land.

It clearly results, from the foregoing observations, that the people of Ohio stand conspicuously among those, to whom much has been given. Much, therefore, may be justly required of them. What, then, has Ohio done with the talents committed to her charge? It is not enough to say that her population has grown in the course of fifty years, to some thirteen hundred thousand; for human beings are not like herds, to be estimated by the head. We demand something more than that they should have multiplied rapidly. If the census were to be the criterion of a state, we might, perhaps, be compelled to yield the palm to the Chinese. The question is not, how many inhabitants have we to the square mile, but what have we done to merit praise or censure.

To answer this question fully, would be to write the entire history of Ohio. I can barely touch upon some leading facts; but first indulge me in a preliminary remark. When European writers speak of this country, they almost universally omit to make allowance for our comparative infancy. They take their own civilization for the standard by which to measure ours, and then gravely censure the Americans, because they have not reached, in two centuries, what Europeans have been growing to in twenty. This is as unreasonable as to require in a child the maturity of a man. The just course would be to speak of the child, as a child; and if he has done well for his age, to give him the full credit of it. A similar mistake is likely to be committed, in comparing Ohio with her elder sisters. We claim in the outset, that our youthfulness be considered. We demand to be judged of as a recent people; who, as in duty bound, have attended to the plain comforts of life, before thinking of its adornments. We do not undervalue "those polished arts which humanise mankind." On the contrary, we are just beginning to cultivate them, because we are just beginning to feel our ability to do so, with a due regard to prudence. The extreme

poverty of our early days is past, and we can now safely spare something for the more refined embellishments and charities of social life. Still we do not profess to equal, in this respect, some of the older and more affluent states. To return, then, to the question, what has Ohio done?

In the first place, I answer that the people of Ohio have cleared the dense forest from some ten millions of acres, reclaimed the soil from the dominion of nature, covered it with all the various garniture of civilization, and subjected it to a course of such profitable husbandry, as to supply a quantity of our agricultural staples, sufficient for the wants of perhaps ten times their number.

Again, at every convenient point, they have laid out and built up thriving towns, which are already beginning to look like cities; and which deservedly attract the admiration of the traveler, not less at their neatness, than their frequency. We have not yet, and I trust we never shall have, any very large cities in this part of the country; for they will, as a matter of course, make up in number, what they want in size; and the convenience of the surrounding country will thus be far better promoted, than by a few overgrown cities remote from each other. Commerce is thus brought home to every man's door; and I regard this as one of the most interesting aspects which this region presents. It is carrying out the republican principle, even in the distribution of our population.

Again, they have connected all these places by roads, which, considering the circumstances, deserve great praise. Our soil is too rich of itself to make good roads; gravel can rarely be found for this purpose; and stone for macadamising, often has to be brought from a great distance. Yet notwithstanding these disadvantages, the public spirit of our citizens, combined with the liberality of Congress—even though that liberality has not always been improved to the best advantage —has already furnished many hundred miles of first rate macadamised road; and arrangements are making for many hundred more. I should not have adverted to this subject,

but for the consideration, that the public spirit of a people is very fairly indicated by the condition of their roads; and complaints have been sometimes made of ours, by those who have not sufficiently considered the difficulties under which we labor.

But it may be said that all these things are matters of course, which there is little merit in having done, although there would be much disgrace in having neglected them. There is, however, one achievement, from the merit of which, no such deduction can be made; I mean the construction of our immense canals. That the Ohio legislature, in the twenty-third year of its existence, should have formed the bold design of uniting lake Erie with the Ohio river, not by one canal only, which of itself would have been a vast undertaking, but by two canals, making an aggregate of six hundred miles, is a fact which speaks volumes for the enterprise of this people. That we had credit in Europe, sufficient to borrow the millions necessary, in addition to the donations of Congress, to carry on these works to their approaching consummation; and that our bonds are now at as high a premium as any American stocks in the European market, are proofs that our reputation abroad, does not fall behind our own self-estimation. To say nothing, then, of other canals now in progress, of the slack-water navigation created in our interior rivers, or of the many rail-roads projected, some of which are already commenced, if not finished; the single consideration, that we have already completed a greater amount of internal improvements than any one of the nations of Europe, and that only two of our sister states, and those the largest and among the oldest in the Union, have done any thing near as much — this single consideration places our claim to distinction, on the score of public enterprise, beyond all cavil; and makes even boasting respectable, because well founded. If Napoleon, with the resources of a mighty empire at his single will, acquired more true glory by his road over the Simplon, than by all his victories, what meed is sufficient for

still greater works, projected by the concurrence of so many wills, and executed by means of drafts drawn upon posterity? In my mind, the contemplation of such achievements excites emotions kindred to the sublime. I feel that the voice of the people is, indeed, in one exalted sense, the voice of God. And the anticipations are even more glorious than the present reality. Let a like public spirit pervade the earth, and how changed would be its aspect! In a few generations, the present inhabitants, could they revisit it, would scarcely recognise the scene of their mortal pilgrimage; so much more commodious would its whole surface be made for the residence of civilised man.

And then, look at our benevolent institutions — what encomium is equal to their merit? It is little, that we have made ample provision for our poor, for they are scarcely known among us. But we have the insane, the blind, the deaf and dumb; and yonder noble edifices attest the munificence with which we have provided for each of these unfortunate classes. Of all our public expenditures, these are unquestionably the most deserving of commendation. They honor the givers, as much as they bless the receivers. Never does human government so much resemble the divine, as when it uses power to relieve the wretched. These institutions are causing the blind to see, the deaf to hear, the dumb to speak, the maniac to reason, and all to rejoice; and how can words express a higher eulogy? I may even add our penitentiary to the list of benevolent institutions. I never conceived the full meaning of discipline, until I saw it there. If our prisoners are not improved by our system of punishments, nothing can improve them. And as to their comfort, my only fear is, that imprisonment may come to be regarded as a boon. On themes like these, I should never tire of expatiating; but I must pass to others.

In this view of what has been done for our physical condition, I have laid no stress upon our manufactures; because, although considerable, they are not what our manufacturing

resources require they should be. Our commerce can never be very great, because we nowhere touch upon any great point of foreign importation or exportation. But with our exhaustless mines of coal and iron, for the creation of steam power — of themselves a fortune to any state — in addition to the almost unlimited water-power of our rivers and canals, we may increase our manufactures to any point we choose. Doubtless our agriculture alone will sustain us where we are, and will gradually increase as our vacant land becomes appropriated.

But if we are to grow in future, in any thing like the ratio of the past, it must be through manufacturing industry. To our agriculture there is a limit, in the extent of our surface. To our commerce there is also a limit, in our interior position. But to our manufactures, I can see no limit, except in the demands of the world. Nor can I doubt that as our capital accumulates, it will take this direction. It cannot be that such facilities will not be improved. For if ever a people were invited to manufacturing pursuits, by all possible natural advantages, we are that people. We might compel the iron nerves of mechanism to accomplish for us, what human muscles could never do. We might set myriads of wheels in motion, and thus make nature herself do homage to art. In fine, we might almost complete the triumph of mind over matter, by compelling matter to do our work, while mind expatiates among its own creations. Would you be satisfied that I do not ascribe too much to the power of mechanism, advert for a moment to what a single application of it has already done for us. Let steam be stricken from the list of prime moving forces; let machinery be stripped of that wonderful engine which now constitutes its crowning ornament, and you turn the hand more than half way backward on our dial. Taking in view the whole Mississippi valley, I deem it safe to say, that the steam engine alone is at this moment performing the work of at least one million of men, and twice that number of horses; and this, with a constitution which

knows not sickness or fatigue, which never hungers or thirsts and which bids defiance to wind and tide. I have heard that a pamphlet is yet extant, in which the probability that the western waters would one day be navigated by steam, was urged as a motive for commencing settlements here, before one had yet been made. If so, it only furnishes another instance of bold prediction more than verified. Full half of the brief period of our history had elapsed, when we first acquired this new momentum. And yet even now you cannot go where steam is not working its miracles. Time and space are, in a measure, annihilated. Uphill and downhill are no longer of consequence. Remotest points are brought into close proximity. Cities are every where springing up as if by enchantment, and every thing wears the aspect of intense activity. We seem to live at a more rapid rate than formerly. Society itself sweeps forward with a velocity unknown before.

I come then to the question, what has Ohio done for the intellectual condition of her people? The ordinance of 1787 gave a pledge, on the subject of education, in this noble language: —"Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." This pledge is repeated in our constitution; and thus far it has been faithfully redeemed. Of our colleges, towards the original endowment of which, Congress contributed three entire townships of land, I shall only say, that, in general, all are flourishing as much as could be expected in our circumstances. But it is to our COMMON SCHOOLS, that we look with the proudest satisfaction. Congress laid their foundation in the soil itself, by consecrating one thirty-sixth part of it, forever to their support. Had this fund been judiciously managed from the beginning, it might now have amounted to perhaps three millions of dollars. But I will not complain of the loss of a few paltry dollars, when, by levying a tax for the support of schools, we can give the most conclusive

evidence of the high value we attach to them. I will rather rejoice that the same year which witnessed the adoption of our plan for internal improvements, also saw the corner-stone of our free school system laid. Had the grand idea of providing the elements of education, for every child in the state, at the public expense, originated here, we should be justified in contending for its paternity, with as much zeal as the seven cities contended for the birthplace of Homer; because it is the one thing wanting to render the republican theory perfect. But the idea is not original with us. New England set the first example of taxation for general education. It was one of the earliest resolutions adopted by the pilgrim fathers. But next to the merit of setting a great example, is the merit of imitating it. This merit is ours. We have the free school system in actual operation; and I trust it will not be the fault of legislation, if, in the next generation, born here, there be one person who cannot read and write. I have heard it suggested that the ability to read and write ought to be made the criterion of the right of suffrage; that no one should be permitted to vote, who could not write his own ballot, and read it at the polls. But however this may be, no one doubts that ignorance is the enemy which freedom has most cause to fear. It makes good slaves, but very poor citizens. Our theory of government, presupposes every man to know his rights and duties, and to be capable of discharging the most important civil functions; and, therefore, the wonder is, not that some of the states should have provided means for universal elementary education, but that they should have neglected to make such provision. I may not dwell upon this momentous subject; but I do not hesitate to declare my belief that if the American Experiment shall ultimately prevail, it will owe more to the institution of free schools, than to any other single institution. Colleges and academies will enlighten a *few;* but in this country these few do not rule. It is the *many* that hold the reins of power; and these many will only be enlightened by a system of education as

universal as the right of suffrage. Equality, therefore, in the means of knowledge, ought to be as much the aim of republicanism, as equality in the elective franchise; for without the former, the latter may prove a curse, instead of a blessing. Who of us would not shudder at the thought of submitting all he holds dear in life, to the control of a majority that could neither read nor write? Yet this is only a strong statement of the actual condition of things, where no public provision is made for education. Without adverting, therefore, to what our common schools, yet in their infancy, have already done, I would point to the law which first incorporated them into our system, as by far the most important ever enacted by our legislature. Man, the animal, was already abundantly provided for; and this law gave a cheering assurance that man, the intellectual, was not to be neglected. We have thus settled the great principle, that in Ohio, every man shall be compelled to contribute something to the enlightenment of every other man; and it only remains that we act up to this principle, in order to render the aggregate mind of Ohio, as productive as her soil. Already we boast of our physical resources; and if we go on as we have begun, we shall soon be able to make the far higher boast, that

> "Man is the noblest growth our clime supplies,
> "And souls are ripened by our northern skies."

But, speaking in this legislative hall, I am reminded that perhaps the best indications of the character of a people are to be found in the aggregate of their legislation. If they have established a superior system of civil polity, they have given the most authentic evidence of superior wisdom, which a body politic can give. And it must be confessed, that there never has been a fairer opportunity than existed here. No hereditary rubbish was to be first cleared away; no time-hallowed customs had acquired the force of law; no vested rights could be interfered with; no preconceptions encountered.

Elsewhere, laws have been the gradual growth of ages. Commencing with the smallest beginnings, they have increased step by step, to meet the exigencies of society. At no time could a complete system be devised at once, without creating a civil revolution. Each new addition, therefore, must accommodate itself to that which went before; and thus the entire system, not framed upon a preconceived model, but composed by piecemeal, resembles those ancient castles, commenced in former centuries, but gradually enlarged by their successive owners, until their different parts exhibit the style of every age. But here no such obstacles existed. The dawning mind of infancy is not more open to first impressions, than was this region, to receive its first laws. The ordinance of 1787, found it an unsullied sheet. Nothing was to be demolished, nothing repealed, nothing modified. The whole system was to be created anew from the beginning. If, therefore, we have perpetuated ancient evils or abuses, we are without excuse. If the relics of the feudal system have been planted here, there is no apology for it. But happily this is not the fact. Our laws, as a body, are more truly and exclusively American, than those of the original states could possibly be, on account of pre-existing institutions. We have adopted the common law, it is true, but with very numerous modifications. I may not illustrate this position by a reference to particulars. I will only say, that our law of persons is pre-eminently the law of liberty, from the absence of those minute and vexatious regulations, elsewhere in force, which serve only to fetter and constrain the free action of individuals, in their private concerns; that our law of property has been so far simplified, that it can be written in perhaps one-third of the space required for the corresponding department of English law; and that our law of crimes and punishments, being wholly statutory, and independent of the common law, has never been excelled in the two great qualities of simplicity and humanity. But while I claim thus much for the character of our legislation, I would be understood as referring to

its general spirit and tendency, rather than to the particular excellence of all its parts; I would view it as the commencement of an improved system, rather than its completion. For while its great outlines deserve all praise, there are some striking faults, which we can afford freely to acknowledge. In the first place, we have had far too much legislation for individuals. Every volume of our statutes abounds with acts passed at the instance, and to promote the convenience of particular persons. I know not that we are worse, in this respect, than other states; but I know that the high functions of legislation is degraded, when it thus stoops from the proud height which overlooks the whole, to consult the wishes of particular individuals. Again, our legislation has been far too fluctuating. To say nothing of the petty charges made every year, in subordinate matters, we have had a general revision of our whole statute law, as often as once every five years. Now if the law were even considerably improved at each of these revisions, it may well be doubted whether the want of stability is not more than an offset for all such improvements. But I am unable to perceive any very decided improvement. If I take the last volume of our revised laws, I find the omissions as numerous, the phraseology as loose, and careless, and the arrangement of subjects in the different acts and parts of acts, as incongruous and confused, as in the first volume. Indeed, after all that has been done, the call for a revision is probably as imperative at this moment, as it ever has been. I may be told that these are minor faults, and hardly worth scrutinizing. But I do not think so. Legislation is the only authentic medium through which the people utter their sovereign voice; and I should be sorry if the general mind of Ohio were not capable of better things. Jewels so precious as the principles of our law, certainly deserve a better casket.

And in this connexion, permit me to advert to another consideration. According to the beautiful theory of our social system, it devolves upon our legislature to provide the laws

necessary for our government. A stranger, therefore, might naturally expect to find in our statute-book, a body of law sufficient for our wants. But how sadly would he be disappointed, when, upon making the examination, he should find there perhaps not one-fiftieth part of the entire law which governs us; nay, not the entire law on any one single subject; but instead thereof, only here and there a straggling provision, to fill up the chinks and crevices made by time, in a system of law never enacted by any legislature! I am aware that this wide discrepancy between theory and fact, is not peculiar to Ohio; but in matters of this sort, common error does not make right.

I would not be considered as one of those enthusiasts, who suppose that a perfect code of statute law can be made at once. But I know that our statutes could easily be so extended as to embrace at least an outline of our social regulations; so that in answer to the question, what is the law of Ohio? and where can it be found?—we might refer the enquirer proudly to our statute-book, for a well considered, well expressed, and well arranged system of written law. Numberless details would doubtless be omitted, for which recourse must be had, as now, to judicial discretion under the common law, until supplied by future legislative provision; but still the noble frame-work would be there, in its harmonious and majestic proportions; and would constitute a glorious monument of that administration, which should cause it to be reared. I can think of no other benefaction to our state so great as this. We should make the experiment under the most favorable auspices, from having so little to undo; and when achieved, all our past glories would shine dimly by the side of this. When Napoleon, "the desolator desolate," having nothing more to hope, sought for solace in a retrospect of his wonderful life, he found it in the code he had furnished for France. "I shall go down to posterity with that code in my hand!" was his triumphant declaration. In like manner, when the historian of Ohio, after recording all her other doings,

shall be able to add, that young as she was, she gave the first great example of the AMERICAN THEORY, by furnishing a systematic code of statute law, he will have set forth her highest claim to imperishable renown. This will cap the climax of her internal improvements, in the best sense of these words. And what is there to hinder so desirable a consummation? Already the ice of ancient prejudice has been broken. Already the strong holds of prescription have been undermined. Already have we innovated boldly, yet cautiously, upon the maxims of other times, because they do not suit our times and circumstances. And shall we stop midway in the grand enterprise? I trust that we shall not. I feel almost sure, that ere another half century closes upon our history, our legislation, now so meagre and imperfect, will be our proudest boast; that we may tell him who would appreciate the general mind of Ohio, to seek it in her code; and that he who shall then stand where I now do, may congratulate the people of Ohio upon having their subordinate rights as distinctly ascertained by written laws, as their fundamental rights now are, by a written constitution. "While the vain titles of the victories of Justinian are crumbled into dust, the name of the LEGISLATOR is inscribed on a fair and everlasting monument!" Thus Gibbon speaks of the Roman legislator, and thus may our historian then be able to speak of our legislators. Then sovereign law, the collected and uttered will of our people, will for the first time rise and sit enthroned, triumphant over discretionary power; and the only uncertainty respecting our rights, will be that which belongs to the imperfection of all human things. There they will stand recorded, in a luminous and comprehensive code, where all who wish may study them, and all who know, will respect and guard them.

But I may not further indulge in anticipations like these. We came here to consider, not what may be done, but what has been done—not to forestall the future, but to reckon with the past. And we have, however imperfectly, surveyed *our*

past — our brief, but crowded past — crowded with facts which prophecy would not have ventured to predict — prolific in events over which patriotism may rationally exult. I commenced this retrospect with the strong assertion, that never, in the annals of time, has philosophy instructed mankind by more useful examples, than the history of Ohio holds up to the world. I trust that I have now made it good. And I would close by reiterating it, if possible, still more emphatically. I was once asked by a citizen of a neighboring state, when speaking of our achievements, why we did not brag more? Perhaps strangers might think I have now bragged too much. But you, who hear me, know that the half has scarcely been told. I have been compelled to deal in superlatives, in order to approach the truth. For if there be one half century in the history of any people, upon which the mind may dwell, with scarcely a wish that it had been different, such I regard the first half century of our history. It does not, indeed, embrace the hallowed recollections of the revolution; for, upon that grand drama the curtain had fallen, while Nature yet reigned here on her throne of solitude. But it does comprehend that more wonderful series of events, by which our present glorious Union was created out of the crumbling fragments of the first confederacy. The ordinance of 1787 was adopted two months prior to the signing of the federal constitution; and while that sacred instrument was undergoing its ordeal in the conventions of the states, the forests of Ohio were falling beneath the axe of the pioneer; so that when Washington assumed the presidential chair, his name was gratefully and reverently uttered, by his far-off children of the west. But in a still more gratifying sense, is our era, the era of the formation of the Union; since, as already seen, our very soil was the subject of a concession, without which that Union could not have been formed. The ancients would have erected magnificent temples in honor of events like this. And so in fact have we — but not of cold and lifeless marble. Our temples of concord, are the new

states added and adding to the Union. Already they equal the OLD THIRTEEN in number, and will soon exceed them in population. Already the centre of American power has crossed the Alleghany ridge, and, while the Union endures, must be still moving westward. Already the soil which was originally given up for the sake of the Union, has become its great central support; and thus the prediction of Berkley, made with reference to the whole American continent, has been almost literally verified in the United States:

> "Westward the Star of Empire takes its way,
> The four first acts already past,
> The fifth shall close the drama with the day;
> Time's noblest offspring is her last."

Meantime at the head of the NEW THIRTEEN, our own Ohio proudly stands; and the experience of the past, justifies bright hopes of the future. Great she is already, but greater still "by the all-hail hereafter." Her promises far exceed what she has yet performed; and refer us eagerly "to the coming on of time." Looking forward as far as we now look backward, who shall fix limits to what Ohio may become, at the end of her first century? Few of us can hope, then, to be here; but our doings will then be matters of history. We are to prepare that future for another generation, though our eyes be not permitted to behold it. And we shall have lived to little purpose, if we do not carry our state onward in her thus far wonderful career. It was the proud boast of a Roman emperor, that he found Rome brick, and left it marble. The fathers of Ohio did more. They left civilization, where they found barbarism — affluence, where they found penury — blooming gardens, where they found a cheerless waste — fair cities, where they found only wigwams — a palmy state, where they found only desolation. And if we would prove worthy sons of such worthy sires; if we would transmit the great legacy they have left us, not only unimpaired, but improved, no easy task is before us. Let us not be contented

with merely preserving the materials of our past history, but remember, also, that we are to make materials for future history. Either for imitation or warning, for our glory or our shame, the example we set, will be recorded by our successors, who will compare what we leave, with what we found. And thrice happy will be our lot, if they, who may look back to us, as we have now looked back to our predecessors, shall be able to pronounce over us, that true, hearty, and emphatic WELL DONE, which the fathers of Ohio claim at our hands.

A DISCOURSE

ON THE ABORIGINES OF THE VALLEY OF THE OHIO—BY WILLIAM HENRY HARRISON.

GENTLEMEN OF THE HISTORICAL SOCIETY:—No opinion has been more generally entertained in every civilised community, than that which asserts the importance of the study of history, as a branch of education. And although there are few, if any, who would controvert this proposition, it will scarcely be denied, that there is no study at this day, so much neglected. We everywhere meet with men possessed of much intelligence, great scientific attainments, high standing in those professions which require profound study and deep research, who have neglected to inform themselves, not only of the circumstances which influenced the rise and progress, the decline and fall of the most celebrated nations of antiquity, but who are extremely deficient in the knowledge of the history of their own country. If we search for the causes which have produced this state of things, one, perhaps the most efficient, will be found in the great increase of works of fiction, and the fascinating character with which they have been clothed, by the great geniuses who have been employed upon them. It is the perusal of these, which occupies the attention of the wealthy, and fills the leisure moments of the man of business.

I am loathe to give another reason for this decline in the taste for historical reading, because it indicates, also, a decline in patriotism. I allude to the inordinate desire for the accumulation of riches, which has so rapidly increased in our country, and which, if not arrested, will ere long effect a deplorable change in the character of our countrymen. This basest of passions, this "meanest of amors," could not

exhibit itself in a way to be more destructive of republican principles, than by exerting an influence on the course of education adopted for our youth. The effects upon the moral condition of the nation would be like those which would be produced upon the verdant valley of our state, if some quality inimical to vegetable life, were to be imparted to the sources of the magnificent river by which it is adorned and fertilised.

It is in youth, and in early youth, that the seeds of that patriotism must be sown, which is to continue to bloom through life. No one ever began to be a patriot in advanced age; that holy fire must be lighted up when the mind is best suited to receive, with enthusiasm, generous and disinterested impressions. If it is not then the "ruling passion" of the bosom, it will never be at an age when every action is the result of cool calculation, and the basis of that calculation too often the interest of the individual. This has been the prevailing opinion with every free people throughout every stage of civilization, from the roving savage tribe, to the numerous and polished nation; from the barbarous Pelasgi to the glorious era of Miltiades and Cimon, or the more refined and luxurious age of Pericles and Xenophon. By all, the same means were adopted. With all, it was the custom to present to their youth the examples of the heroic achievements of their ancestors, to inspire them with the same ardor of devotion to the welfare of their country. As it regards the argument, it matters not whether the history was written or unwritten, whether in verse or prose, or how communicated; whether by national annals, to which all had access; by recitations in solemn assemblies, as at the Olympic and other games of Greece; in the songs of bards, as amongst the Celts and Scandinavians; or in the speeches of the aged warriors, as was practised by the Wyandots, Delawares, Shawanees, and other tribes of our own country. Much fiction was, no doubt, passed off on these occasions, as real history; but as it was believed to be true, that was sufficient to kindle the

spirit of emulation in the cause of patriotism among those to whom these recitations, songs, and speeches were addressed.

In the remarks I have made, it is by no means my intention to deny the good effects which have been derived from some of the works of fiction, and that they have greatly assisted

"To raise the genius, and to mend the heart."

But this result is better effected by authentic history. Amongst the former of these, the Telemachus of Fenelon stands almost unrivalled for the beauty of the narrative, the purity of the morals it inculcates, the soundness of many of the principles of government it advances, and the masterly manner in which the passions of youth are subdued and brought under the control of wisdom and virtue. But I think it will not be contended that these lessons, excellent as they are, can have as beneficial an effect as many of the narratives to be found in real history. The reason is obvious. The youth, for instance, for whose special benefit the book I have mentioned was written, knowing that it was a fiction, might very readily persuade himself that the task of forming his conduct upon that attributed to the son of Ulysses, was too much for him or any one else to accomplish, the character being drawn, not from nature, but from the imagination of the author. On the contrary, how many thousands of youth have been encouraged to pursue a career of usefulness and true glory by the examples to be found in the history of Greece and Rome.

The manner in which Telemachus is made to sacrifice his love for Eucharis, for the accomplishment of the pious object of his travels, forms a beautiful lesson; and his deep contrition and regret for having given way to the violence of his passions in his contest with Hippias, is still a better one. But authentic history furnishes examples of forbearance, in matters of this kind, which are infinitely preferable.

In relation to the first, the cases of Scipio Africanus and Alexander the Great, may be quoted. And as it regards the control of the temper, where its unrestrained violence might produce great mischief, Grecian history furnishes us with one of more value than all of a similar character which are to be found in all the works of fiction, from the origin of letters to the present day. I refer to the well known anecdote recorded of Themistocles in his difference with Eurybiades, the Spartan admiral and commander-in-chief of the allied fleet, immediately preceding the battle of Salamis. The imagination of no writer can conceive an effect so great, to be produced by dignified forbearance, under gross insult, as that of Themistocles on this occasion.*

Take from the anecdote the intended blow which the superior refinement of modern manners would not tolerate, and how often might it prove a useful example to men holding inferior stations in a republic, to meet the passionate violence of those in power, with moderation and firmness, and thus avert from their country an impending calamity, having its origin either in mistaken policy or designed usurpation of power.

The works of fiction which have had the greatest effect in fixing the love of country in the youthful bosom, are unquestionably those in which the characters and the leading features are taken from real history. This is the case with most of the ancient tragedies, as well as most of those of Shakspeare; and it is doubtless from this circumstance, that the beneficial effects upon mankind attributed to them by Mr. Pope, in his prologue to the tragedy of Cato, have been produced. That beautiful production (the tragedy) would itself lose the greater portion of the interest which is felt in its perusal, if we did not know from undoubted history, that the sentiments and feelings of Cato were such as he is there made to utter, and

*See note A, in the appendix.

his actions such as are there described. All well calculated to

"Make mankind in conscious virtue bold."

The effect, however, which Mr. Pope attributes to tragedy in changing the "savage natures" of tyrants, is not so apparent. Miserable indeed, would be the situation of mankind, if that were their reliance to escape oppression. But I conceive that the operation, as well of tragedy as history itself, is more direct. Instead of palliating and lessening the evil when it shall have existence, their great object is (and such is certainly their effect) to prevent its occurrence. Instead of *softening* the hearts of tyrants, to harden those of the people against all tyrants and usurpers, whatever may be the degree of usurpation or the character of the tyranny, and to warn them of the insiduous means by which their confidence is obtained, for the purpose of being betrayed.

If I truly estimate the value of a knowledge of history, gentlemen, by the citizens of a republic, you will unite with me in deploring the existence of any circumstances which would have a tendency to supercede or lessen the attention which was once paid to it in our seminaries of learning, and more especially if one of the causes should be found in the increasing love of riches, rendering our youth impatient of studies which are not essential to enable them to enter upon the professional career which they have chosen, as the means of obtaining that wealth which is so universally sought after.

As your association, gentlemen, was formed for the purpose of procuring and preserving materials for the history of our own state, rather than to encourage attention to that of other countries, these remarks may be considered a digression; I shall, therefore, add nothing more on that subject, but proceed to present to you some notices and remarks more in

accordance with the wishes expressed in your invitation to prepare this paper.

It is somewhat remarkable that Ohio, admitted into the Union before either of the other north-western states, so far ahead of either in point of population, and having its position precisely intermediate between them and the European colonies, from whence the emigration to all of them came, should have been the last that was settled.

Fifty-five years ago, there was not a christian inhabitant within the bounds which now compose the state of Ohio. And if a few years anterior to that period, a traveler had been passing down the magnificent river which forms our southern boundary, he might not have seen in its whole course of eleven hundred miles, a single human being — certainly not a habitation, nor the vesitage of one, calculated for the residence of man. He might, indeed, have seen indications that it was not always thus. His eye might have rested on some stupendous mound, or lengthened lines of ramparts, and traverses of earth still of considerable elevation, which proved that the country had once been possessed by a numerous and laborious people. But he would have seen, also, indubitable evidences that centuries had passed away since these remains had been occupied by those for whose use they had been reared. Whilst ruminating upon the causes which had occasioned their removal, he would not fail to arrive at the conclusion, that their departure, (if they did depart) must have been a matter of necessity. For no people, in any stage of civilization, would willingly have abandoned *such a country;* endeared to them as it must have been, by long residence and the labor they had bestowed upon it. Unless, like the descendants of Abraham, they had fled from the face of a tyrant, and the oppressions of unfeeling task-masters. If they had been made to yield to a more numerous or more gallant people, what country had received the fugitives? and what has become of the conquerers? Had they, too, been forced to fly before a new swarm from some northern or

southern hive? Still would the question recur, what had been their fate? And why had so large a portion of country, so beautiful and inviting, so abounding in all that is desirable, in the rudest as well as the most advanced state of society, been left as a haunt for the beasts of the forest, or as an occasional arena for distant tribes of savages to mingle in mortal conflicts? To aid us in coming to any thing like a satisfactory conclusion in answer to those questions, we possess only a solitary recorded fact. For every thing else, we must search amidst the remains which are still before us, for all that we wish to know of the history and character of this ancient and nameless people. And although the result of such an examination may be far from satisfactory, it will not be entirely barren of information. We learn first, from the extensive country covered by their remains, that they were a numerous people. Secondly, that they were congregated in considerable cities, from the extensive works with which several favorite situations are covered. Thirdly, that they were essentially an agricultural people; because, collected as they were in great numbers, they could have depended upon the chase but for a small portion of their subsistence; and there is no reason to believe that they were in the possession of domestic animals, as the only one known to the American continent before the arrival of the Europeans (the lama of Peru) was unsuited by nature to endure the rigors of a winter in this latitude. The impossibility of assigning any other purpose to which the greater number, and many of the largest of these remains could be applied, together with other appearances scarcely to be misunderstood, confirm the fact that they possessed a national religion; in the celebration of which, all that was pompous, gorgeous, and imposing, that a semi-barbarous nation could devise, was brought into occasional display. That there were a numerous priesthood, and altars often smoking with hecatombs of victims. These same circumstances, also indicate, that they had made no inconsiderable progress in the art of building, and that their habitations had

been ample and convenient, if not neat or splendid. Man in every age and nation has provided for his own defence against the elements, before he even designates any peculiar spot for the worship of his God. In rigorous climates the hut will always precede the uncovered altar of earth or stone, and the well built city before the temple is made to shoot its spires to the skies.

Thus much do these ancient remains furnish us, as to the *condition* and character of the people who erected them. I have persuaded myself that I have gleaned from them, also, some interesting facts in their history. It may, however, be proper first to remark, that the solitary *recorded* fact to which I have alluded, to enable us to determine their ultimate fate, is that which has been furnished to us by the historians of Mexico.

The pictural records of that nation, ascribe their origin to the Astecks, a people who are said to have arrived first in Mexico about the middle of the seventh century. An American author, the Rt. Rev. Bishop Madison, of Virginia, having with much labor investigated this subject, declares his conviction that these Astecks are one and the same people with those who once inhabited the valley of the Ohio. The probabilities are certainly in favor of this opinion. Adopting it, therefore, and knowing by it the date of their arrival on the north-west frontier of Mexico, we refer again to the works they have left us, to gain what knowledge we can of the cause and manner of their leaving the Ohio valley. For the reasons formerly stated, I assume the fact that they were compelled to fly from a more numerous or more gallant people. No doubt the contest was long and bloody, and that the country, so long their residence, was not abandoned to their rivals until their numbers were too much reduced to continue the contest. Taking into consideration all the circumstances which can be collected from the works they have left on the ground, I have come to the conclusion that these people were assailed both from their northern and southern

frontier; made to recede from both directions, and that their last effort at resistance, was made on the banks of the Ohio. I have adopted this opinion, from the different character of their works, which are there found, from those in the interior. Great as some of the latter are, and laborious as was the construction, particularly those of Circleville and Newark, I am pursuaded they were never intended for military defences. On the contrary, those upon the Ohio river were evidently designed for that purpose. The three that I have examined, those of Marietta, Cincinnati, and the mouth of the Great Miami, particularly the latter, have a military character stamped upon them which cannot be mistaken. The latter work, and that at Circleville, never could have been erected by the same people, if intended for military purposes. The square, at the latter place, has such a number of gateways, as seem intended to facilitate the entrance of those who would attack it. And both it and the circle were completely commanded by the mound, rendering it an easier matter to take, than defend it. The engineers, on the contrary, who directed the execution of the Miami works, appear to have known the importance of flank defences. And if their bastions are not as perfect, as to form, as those which are in use in modern engineering, their position as well as that of the long lines of curtains, are precisely as they should be. I have another conjecture as to this Miami fortress. If the people of whom we have been speaking were really the Astecks, the direct course of their journey to Mexico, and the facilities which that mode of retreat would afford, seems to point out the descent of the Ohio as the line of that retreat.

This position, then, (the lowest which they appear to have fortified on the Ohio,) strong by nature, and improved by the expenditure of great labor, directed by no inconsiderable degree of skill, would be the last hold they would occupy and the scene of their last efforts to retain possession of the country they had so long inhabited. The interest which every one feels, who visits this beautiful and commanding

spot, would be greatly heightened, if he could persuade himself of the reasonableness of my deductions, from the facts I have stated. That this elevated ridge, from which are now to be seen flourishing villages, and plains of unrivalled fertility, possessed by a people in the full enjoyment of peace and liberty, and all that peace and liberty can give, whose matrons, like those of Sparta, have never seen the smoke of an enemy's fire, once presented a scene of war, and war in its most horrid form, where blood is the object, and the deficiencies of the field made up by the slaughter of innocence and imbecility. That it was here that a feeble band was collected "remnant of mighty battles fought in vain," to make a last effort for the country of their birth, the ashes of their ancestors, and the altars of their gods. That the crisis was met with fortitude, and sustained with valor, need not be doubted. The ancestors of Quitlavaca and Gautimosin, and their devoted followers, could not be cowards. But their efforts were vain, and flight or death were the sad alternatives. Whatever might be their object in adopting the former, whether, like the Trojan remnant, to seek another country, "and happier walls," or like that of Ithome, to procure present safety and renovated strength, for a distant day of vengeance, we have no means of ascertaining. But there is every reason to believe, that they were the founders of a great empire, and that ages before they assumed the more modern and distinguished name of Mexicans, the Astecks had lost in the more mild and uniform climate of Anhuac, all remembrance of the banks of the Ohio. But whatever may have been their fate, our peculiar interest in them ceases after their departure from the Miami.* In relation to their conquerors, I have little to say, and perhaps, that little not very satisfactory. Although I deny the occupation of the banks of the Ohio, for centuries before its discovery by the Europeans, I think that there are indubitable marks of its being thickly inhabited by a race of

*See note B, in the Appendix.

men, inferior to the authors of the great works we have been considering, after the departure of the latter. Upon many places, remains of pottery, pipes, stone hatchets, and other articles, are found in great abundance, which are evidently of inferior workmanship to those of the former people. But I have one other fact to offer, which furnishes still better evidence of my opinion. I have before mentioned Cincinnati as one of the positions occupied by the more civilized people. When I first saw the upper plain on which that city stands, it was literally covered with low lines of embankments. I had the honor to attend General Wayne, two years afterwards, in an excursion to examine them. We were employed the greater part of a day, in August, 1793, in doing so. The number and variety of figures in which these lines were drawn, was almost endless, and, as I have said, almost covered the plain. Many so faint, indeed, as scarcely to be followed, and often for a considerable distance entirely obliterated, but by careful examination, and following the direction, they could be again found. Now, if these lines were ever of the height of the others made by the same people, (and they must have been, to have answered any valuable purpose,) or unless their erection was many ages anterior to the others, there must have been some other cause than the attrition of the rain (for it is a dead level) to bring them down to their then state. That cause I take to have been continued cultivation. And as the people who erected them, would not themselves destroy works which had cost them so much labor, the solution of the question can only be found in the long occupancy, and cultivation of another people, and the probability is, that that people were the conquerors of the original possessors. To the question of the fate of the former, and the cause of no recent vestige of settlements being found on the Ohio, I can offer only a conjecture; but one which appears to me to be far from improbable. Since the first settlement of the Ohio by the whites, they have been visited by two unusually destructive freshets, one in 1793,

and the other in 1832. The latter was from five to seven feet higher than the former. The latter was produced by a simultaneous fall of rain, upon an unusually extensive frozen surface. The learned Dr. Locke, of Cincinnati, calculated the number of inches of rain that fell, and as far as it could be ascertained, the extent of surface which was subjected to it, and his conclusion was, that the height of the water at Cincinnati, did not account, after allowing for evaporation, etc., for all the water that fell. In other words, that with the same fall of rain, other circumstances concurring, the fresh might have been some feet higher. Now these causes might have combined at another time to pour the waters of the tributary streams into the main trunk more nearly together, and thus produce a height of water equal to that described by an Indian chief, (to which he said he was an eye witness,) to General Wilkinson, at Cincinnati, in the fall of 1792. And which, if true, must have been several feet, (eight or ten,) at least, higher than that of 1832. The occurrence of such a flood, when the banks of the Ohio were occupied by numerous Indian towns and villages, nearly all which must have been swept off, was well calculated to determine them to a removal, not only from actual suffering, but from the suggestions of superstition; an occurrence so unusual, being construed into a warning from heaven, to seek a residence upon the smaller streams. Before the remembrance of these events had been obliterated by time, the abandoned region would become an unusual resort for game, and a common hunting ground for the hostile tribes of the north and south, and, of course, an arena for battle. Thus it remained when it was first visited by the whites.

Having given all the facts which I could collect, and some of the conjectures I have formed in relation to the most ancient people who have inhabited our state, I next proceed to make some remarks upon the tribes who were our immediate predecessors.

From our long acquaintance with these tribes, extending

considerably beyond the commencement of our revolutionary war, and from the intimate connection which has subsisted between them and us, since the treaty of Greenville, in 1795, it may be presumed that we are as well acquainted with their history as we could be, when our reliance must be placed on their statements, and traditions, or by comparing those with the few facts which could be collected from other sources.

The tribes resident within the bounds of this state, when the first white settlement commenced, were the Wyandots, Miamis, Shawanees, Delawares, a remnant of the Moheigans, (who had united themselves with the Delawares,) and a band of the Ottowas. There may also have been, at this time, some bands from the Seneca and Tuscaroras tribes of the Iroquois or Six Nations, remaining in the northern part of the state. But whether resident or not, the country for some distance west of the Pennsylvania line, certainly belonged to them. From this, their western boundary, (wherever it might be, but certainly east of the Scioto,) the claims of the Miamis and Wyandots commenced. The claims of the latter were very limited, and cannot well be admitted to extend further south than the dividing ridge between the waters of the Scioto and Sandusky rivers, nor further west than the Auglaise; whilst the Miamis and their kindred tribes are conceived to be the just proprietors of all the remaining part of the country north-west of the Ohio, and south of the southerly bend of lake Michigan and the Illinois river. I am aware that this is not the commonly received opinion, and that a contrary one was promulgated more than eighty years ago, and sustained by the efforts of some of the most distinguished men of our country. A subject which has engaged the attention of our immortal Franklin, and into the discussion of which, we are told, "the late De Witt Clinton, of New York, entered with much ardor," will certainly not be deemed unworthy our attention on this occasion; even if it did not form a part of the history of the country which we have

embraced in our plan. The proposition against which I contend, asserts the right, at the period of which I am speaking, of all the country watered by the Ohio, to the Iroquois, or Six Nations, in consideration of their having conquered the tribes which originally possessed it. This confederacy, it is said, possessed "at once the ambition of the Romans for conquest, and their martial talents for securing it." Like that celebrated ancient people, too, they manifested, in the hour of victory, "a moderation equal to the valor which they displayed in it;" the conquered nations being always spared, and either incorporated in their confederacy, or subjected to so small a tribute as to amount merely to an acknowledgment of the supremacy of their conquerors. That under the guidance of this spirit, and this policy, they had extended their conquest westward to the Mississippi; and south to the Carolinas, and the confines of Georgia, a space embracing more than half of the whole territory of the Union, before the acquisition of Louisiana and Florida. I have nothing to do, at this time, with the conquests in other directions, but I shall endeavor to prove that their alleged subjugation of the north-western tribes, rests upon no competent authority; and that the favored region which we now call our own, as well as that possessed by our immediate contiguous western sisters, has been for many centuries as it now is,

"The land of the free and the home of the brave."

I neither deny the martial spirit of the Iroquois, nor the magnanimity of their policy to some of the tribes whom they subdued; both are well established. But I contend, that whilst they had a fair field for the exercise of all that they possessed of the former, in a war with an ancient tribe of Ohio, they had no opportunity for the display of the latter, from the indomitable valor of the comparatively small nation which had dared to oppose itself to the extension of their power. That a portion of the country was subdued, both

parties admit; as they do, also, that if the termination of this war enabled the Iroquois somewhat to extend the limits of their empire, they found it a desert, without a warrior to adopt into their nation, or a female to exhibit in their triumphant returns to their villages.

I will now proceed to state the grounds upon which rest the claims of the Iroquois, to be considered the conquerors of the country to the Mississippi, and between the Ohio and the lakes.

The history of the Iroquois, or Six Nations, was written by Cadwallader Colden, Esq., of New York, who was a member of the king's council, and surveyor-general of the province, twenty-five or thirty years before the revolutionary war. I haye never seen this work, and shall be obliged to use the account of its contents, as far as relates to the claims of conquests made by the Iroquois, as given by Mr. Butler, in his recent history of Kentucky. According to the authorities quoted by this gentleman, the position occupied by the Iroquois, when the first French settlement was made in Canada, was "on the banks of the St. Lawrence, above Quebec, and that from thence they extended their conquests on both sides of the lakes Ontario, Erie and Huron. In this career of conquest, with a magnanimity and sagacious spirit, worthy of the ancient Romans, and superior to all their contemporary tribes, they successively incorporated the victims of their arms with their own confederacy." He goes on to say, condensing the account given in a work printed by Dodsley, in 1755, entitled "Present State of North America," as follows:—"In 1673, these tribes are represented as having conquered the Ollinois, or Illinois, residing on the Illinois river, and they are, likewise, at the same time, said to have conquered and incorporated the Satanas, Chawanons or Shawanons, whom they had formerly driven from the lakes. To these conquests they are said by the same high authority, to have added the Twightwas, (Tewietewes), as they are called in the journal of Major Washington. About the same

time, they carried their victorious arms to the Illinois and Mississippi, westward; and to Georgia, southward. About the year 1711, they incorporated the Tuscaroras, when driven from Carolina." "The tribe in question," says Governor Pownal, in his administration of the British colonies, "about the year 1664, carried their arms as far south as Carolina, and as far west as the Mississippi, over a vast country which extended twelve hundred miles in length, and about six hundred in breadth, when they destroyed whole nations, of whom there are no accounts remaining among the English. The rights of these tribes to the hunting lands of Ohio, meaning the river of that name, may be fairly proved by the conquest they made in subduing the Shawonoes, Delawares, Tiwictewees, and Ollinois, as they stood possessed thereof at the peace of Ryswick, in 1697." In support of these pretensions, he further quotes a paper from the pen of Dr. Franklin, who, upon the authority of Lewis Evans, a gentleman who was said by the Doctor to be possessed of great American knowledge, asserting that "the Shawonoes, who were formerly one of the most considerable nations of these parts of America; whose seat extended from Kentucky south-westward to the Mississippi, have been subdued by the confederate, or Six Nations, and the country since became their property." But it seems that, notwithstanding the bold assertions of the above named authors, it became necessary, at a council held in the year 1744, to apply to the Six Nations themselves, to know the extent of their claims. That it was favorable enough, may be reasonably supposed. Their particular answer will be quoted below. At another treaty with the Six Nations, held at Fort Stanwix, in New York, in 1768, the Indians were again called upon to state the extent of their claims upon the Ohio. This they are said to have done in the following words, addressed to their agent, Sir William Johnson:—"You, who know all our affairs, must be sensible that our rights go much further south than the Kenhawa, and that we have a very good and clear title, as far south as the

Cherokee river, which we cannot allow to be the right of any other Indians, without doing wrong to our posterity, and acting unworthy of those warriors who fought and conquered it." Upon the strength of this declaration, the title of the Iroquois to the valley of the Ohio was purchased for £10,476 13s. 6d. sterling, for the crown.

It will at once be perceived, that the mass of testimony in favor of the extensive conquests of the Iroquois, rests upon their own assertions. A fair offset to them will be found in the account which the north-western Indians have given of their own history. But before I have recourse to this, I will endeavor to clear the way by examining the only two authorities which have been adduced in support of the pretensions of the Iroquois. The first and most important is to be found in Colden's history of the Six Nations. That author, upon the authority, he says, of certain ancient French authors, declares, that in 1672, the Iroquois had conquered the Oillinois, or Illinois, the Chowetans, or Shawanees, whom they had formally driven from the lakes, and in 1685, thirteen years after, the Tiwictewees, or Miamis. Mr. Butler, in the introduction to his history, gives an account of the early voyages, of discovery, to the west of Lake Michigan, made under the governor of Canada. The first of these was made by Father Marquette. His principal object was to find the great river of the west, of which they had often heard, but by accounts so uncertain, that it was a matter of dispute, whether it poured its mighty mass of water into the Gulf of California, that of Mexico, or into the Atlantic ocean, on the coast of Virginia. This father proceeded with a party, in two canoes, in the year 1673, to the west side of Lake Michigan; and coasting it southwardly to the Bay des Puans, (Green Bay,) ascended to the Fox river the Portage, communicating with the Wisconsin, and down the latter to the Mississippi. Pursuing their voyage on that river as low down as the Arkansas, whence they returned up the river, and, by a fortunate circumstance, under the guidance of some of the

natives, entered the Illinois river; (of the existence of which they had no previous knowledge,) and ascending it, reached the southerly bend of Lake Michigan, and returned to Green Bay by a better and shorter route. It was on this voyage that the French of Canada appear to have first heard of the Illinois river or the Illinois Indians. And yet it is asserted, that previously to this year, their near neighbors, with whom they had an intimate and every-day intercourse, had penetrated to the great river, to search for which, was the principal object of the voyage, and upon its banks had subdued a powerful nation; which, from information I received from a credible eye-witness many years afterwards, were estimated to possess four thousand warriors. There were two other routes than that taken by Marquette, by which the Iroquois might have reached the Illinois. By descending the Alleghany river, which flowed through their own country, and then by the Ohio to the Mississippi. But one more direct and easier was furnished by the ascent of the Miami of the Lake, and the descent of the Wabash to the mouth of Tippecanoe, the head navigation of which is not very distant either from Lake Michigan, or the Illinois river. If any expedition of this kind had taken place, it must have been known to the French of Canada, and that route would have been taken by Father Marquette, rather than the comparatively difficult and circuitous one of Lake Michigan, the Fox and Ouisconsin rivers. The above account of the conquests of the Iroquois, fixes that of the Tiwictewees, a tribe of the Miamis, in the year 1685; that is, thirteen years after the conquest of the Illinois tribes of the same nation. This story would have been more credible if the periods of these conquests had been reversed, and that of the Tiwictewees, assigned to the earlier era, as it is well known that that tribe of the Miamis was always the most easterly of their nation, and hence they must have been *put out of the way* before their brothers of the Illinois could be struck. In the above quotation, the conquest of the Shawanoes is said to have

happened simultaneously with that of the Tiwictewees. But there is nothing said of their location at that period. From the construction of the sentence in the narrative, it seems to be intended to convey the idea that it was upon the same expedition that it was effected, and that the tribes were contiguous or rather upon the same line of operation, (one of them being first conquered, and then the other.) And such was precisely the fact as to the position of these tribes at another period—but that period was one hundred years after that which is given by the supposed French writer. The other authority to which I referred, as sustaining the Iroquois pretensions, is the admission made by the Cherokees, who attended the treaty of Stanwix, in 1766. These chiefs are represented to have laid some skins at the feet of the head men of the Iroquois, saying, "that they were theirs, as they had killed the animals from which they were taken, on this side of the *big river*." This "big river," the author who records the anecdote, (Judge Haywood, in his history of Tennessee,) asserts to be the Tennessee, "as that was the way in which the Cherokees were accustomed to designate it." Now if all the statements here made be true, and I doubt not that they are, so far from admitting the inference to be correct, I think the very reverse would be the construction put upon what they said, by every person who is acquainted with the method of speaking peculiar to the Indians. It was a remarkable peculiarity of these people, before their manners and mode of expression were somewhat modified by their intercourse with the whites, that they were always averse to refer to either men or things by their appropriate names, even if they were acquainted with them. They preferred to *describe* a man, or a river, or a town, by some quality or remarkable feature, rather than designate the object by a name. When alluding to one of their own nation, in his presence, they would say, instead of his name, "that man with a pipe in his mouth,"—"that man with a lame leg," etc., etc. If a hunter, encamped upon a branch of the Scioto,

had killed a deer upon that river, he would say, upon being asked, that he had killed it upon the "big river." And the same phrase would be used if the question was asked on the Scioto, near to its mouth, if the deer had been killed on the banks of the Ohio. When, therefore, a big river was referred to, for the purpose of marking the spot where any particular event occurred, it must be always understood to mean the largest river near to them. Having crossed the Ohio on their route to Fort Stanwix, they never could have intended to refer to the Tennessee as the "big river," when they must have well known that it was a tributary to the former.

I will now proceed, gentlemen, to give you a condensed account of the information I received, in the course of a long intercourse with the north-western tribes, commencing at the treaty of Greenville, in 1795, and which constitutes one of the grounds upon which I restrict the conquest of the Iroquois in the valley of the Ohio, to a line, at any rate, east of the Scioto. No better opportunity could be afforded than that which I possessed, to obtain correct information in relation to the ancient history, and the territorial claims of the several tribes and nations, because it was derived from discussions in councils, where conflicting parties were represented, and encouragement given to elicit a full exposure of all the facts and circumstances which could have any influence in support of their respective pretensions. I will add, too, that there was no motive that could influence an agent of the government to countenance the unjust pretensions of any tribe, and reject those which were better founded. All of them had placed themselves under the exclusive protection of the United States, and all had bound themselves to make no sale of any part of their lands to any other civilised power.

Rejecting, then, the accounts which have been given by the pens of a few individuals, (more intent upon exalting the fame of a particular nation, than upon giving a true history,) who assert the early conquest of the half-civilised nation which once inhabited Ohio, by the united efforts of the Leni

Lenapes, or Delawares, and Mingwe or Iroquois, on their passage from the north-west part of our continent, to the shores of the Atlantic; I commence my narrative at the time when the position of all the great tribes or nations which have ever advanced any claim to the fair and fertile country between the lakes the Ohio and Mississippi, was as follows:— The chronology I cannot precisely fix, but it was at a period, centuries after the possession of the country by the authors of the ancient works which we have mentioned, or those who conquered them, as the then possessors had not the least knowledge or tradition relative to the one or the other. There are circumstances, however, which induce me to fix the time somewhere about the middle of the seventeenth century. At that time, then, the Mingwe, or far-famed Iroquois, remained in their original seats, compressed between the inhospitable region of Labrador, and the great Lenape (or, as we call them, Delaware) nation, which confined them on the south. Westwardly, they had made some conquest, and with the sagacity, which has caused them to be compared to the conquerors of the world; in the commencement of their progress, they adopted the conquered tribes into their confederacy. I am ignorant of the northern boundary of the Lenapes at this period. It is probable that it had been considerably pressed in by the Iroquois. They still, however, possessed the greater part of New York, New Jersey, and Pennsylvania. Ascending the lakes and leaving the Iroquois territory, the Wyandots, or Hurons, presented themselves. A large portion of this nation were, at that time, north of Lake Erie, but the greater part occupied the country from the Miami bay, eastwardly, along what is now denominated the Western Reserve, and extending across the country southwardly, to the Ohio. Westward of this territory commenced that of the Miami nation, or rather confederacy, possessing a larger number of warriors, at that period, than could be furnished by any of the aboriginal nations of North America, before or since. Their territory embraced all of Ohio, west

of the Scioto — all of Indiana, and that part of Illinois, south of the Fox river, and Wisconsin, on which frontier they were intermingled with the Kickapoos and some other small tribes. Of this immense territory, the most beautiful portion was unoccupied. Numerous villages were to be found on the Scioto and the head waters of the two Miamis of the Ohio; on the Miami of the Lake, and its southern tributaries, and throughout the whole course of the Wabash, at least as low as Chippecoke, (the town of Brush Wood,) now Vincennes. But the beautiful Ohio rolled its "amber tide" until it paid its tribute to the "father of waters," through an unbroken solitude. At that time, before, and for a century after, its banks were without a town or a village, or even a single cottage, the curling smoke of whose chimneys would give the promise of comfort and refreshment to a weary traveler. If such an appearance should have presented itself to one who was aware of his situation, it would have been the signal of flight, well knowing that it must proceed from some sequestered dell, and that the fire from which it proceeded had been lighted by a party of warriors, who, having interposed the river between themselves and those who might have commenced a pursuit on the line of their retreat, might consider themselves safe in indulging in the luxury of a cooked meal, and a dry couch, after a laborious and protracted march, in which privations of every description, consistent with their success and safety, were enjoined by the rigid rules of their discipline. No traveler, acquainted with the Indian character, would seek the hospitalities of such a fire-side. Whatever might have been the result of their expedition, the interview would prove fatal to him. If it had been successful, the appetite for blood would be inflamed, rather than satisfied, and if otherwise, the scalp of an unfortunate stranger might be substituted for the similar trophy, which their bad fortune or bad management had not permitted them to tear from the head of their acknowledged enemy.

We left the Mingwe, or Iroquois, strengthened by the

incorporation, into their confederacy, of some conquered tribes, but not yet able to burst through the impediments which opposed their progress to the west and south. Their success, however, in the latter direction, was soon equal to their utmost hopes. We possess none of the details of the war waged with the Lenapes, but we know that it resulted in the entire submission of the latter, and that to prevent any further interruption from them in their extensive schemes of conquest, they adopted a plan to humble and degrade them, as novel as it was effectual. To those who are acquainted with the general character of the American Indians, and to those particularly who know the conduct of the Delawares, when under the command of the renowned Bocanghelas, in their wars against the United States, and that of the gallant Nicoming, who commanded a band of forty of his countrymen in our service in the war of 1813, it will seem almost impossible that the fact which I am about to relate, can be supported upon good authority. But the best authority can be adduced in support of it, since it is acknowledged by all the parties who were concerned in it. Singular as it may seem, then, it is nevertheless true, that the Lenapes, upon the dictation of the Iroquois, agreed to lay aside the character of warriors, and to assume that of women. This fact is undisputed, but nothing can be more different than the account which is given of the manner in which it was brought about, and the motives for adopting it, on the part of the Lenapes. The latter assert that they were cajoled into it by the artifices of the Iroquois, who descanted largely upon the honor which was to be acquired by their assuming the part of peace-makers between belligerent tribes, and which could never be so effectual as when done in the character of the sex which never make war. The Lenapes consented, and agreed that their chiefs and warriors from thenceforth should be considered as women. The version of this transaction, as given by the Iroquois, is, that they demanded, and the Lenapes were made to yield to this humiliating concession, as

the only means of averting impending destruction. The Rev. Mr. Heckwelder, in a communication to the Historical Society of Pennsylvania, labored, with more zeal than success, to establish the Delaware account. But even if he had succeeded in making his readers believe that the Delawares, when they submitted to the degredation proposed to them by their enemies, were influenced, not by fear, but by the benevolent desire to put a stop to the calamities of war, he has established for them the reputation of being the most egregious dupes and fools that the world has ever seen. This is not often the case with Indian sachems. They are rarely cowards, but still more rarely are they deficient in sagacity and discernment to detect any attempt to impose upon them. I sincerely wish I could unite with the worthy German, in removing this stigma upon the Delawares. A long and intimate knowledge of them, in peace and war, as enemies and friends, has left upon my mind the most favorable impressions of their character for bravery, generosity, and fidelity to their engagements.

The Iroquois being thus freed from any apprehension of an attack, from their ancient enemies, upon their southern border, prepared to force the barrier which had so long opposed their westward progress. This was not a barrier of mountains — not a rampart of earth or stone, but one similar to that which protected for ages, the open streets and avenues of Sparta — a rampart of warriors' bosoms, equal in bravery, and in the love of their country, to any which that far-famed state, or either of her distinguished rivals, ever sent to the field. From the position which I have ascribed to the Hurons, or Wyandots, it will be perceived that I allude to that celebrated tribe. There is much difficulty in fixing the chronology of many of the most important events in the history of the Indians, at the period to which I now refer. There are no means by which we can ascertain when the war between the Iroquois and the Hurons commenced, or how long it lasted. Whether it was carried on before they were both

furnished with European arms, or after they had become acquainted with the use of them, and both had been supplied by the European nation, to which they severally adhered, cannot be correctly ascertained. There are circumstances, however, which induce me to believe that they had long fought with weapons of their own manufacture; but that the great battle which terminated the contest, was made more bloody and disastrous from the use of fire arms. If that was the case, it must have been after the year 1701, which was the epoch of the alliance between the English and the Iroquois. Previously to that event, the French had been extremely cautious in placing the destructive arms of the Europeans, in the hands of the Indians. But, as by means of the English, the Iroquois had, in a few years, become completely armed, the French authorities were obliged to change their policy in this respect, and it was through them that the Hurons were enabled to meet the Iroquois upon terms equal as to arms, although the disparity of numbers was greatly in favor of the latter. The Wyandots assert that the last great battle was fought in canoes upon Lake Erie, and that all, or nearly all, the warriors of both nations perished. Although the actual loss of the two nations, in this battle, is said to have been equal, the consequences were far from being so. The smaller and weaker party, were unable again to bring into the field, a force, which in point of numbers, could bear any reasonable proportion to their enemies. After standing at bay for some time, they yielded to the storm which they had not the physical force to resist, and retired to the shores of Lake Michigan. The history of this remarkable tribe is not ended with this change of situation. They returned after some years, to their original seats, and in all the subsequent wars of this country, continued to manifest their superiority over the other tribes, who, upon every occasion, yielded to them the palm of bravery.

The display of martial courage and high patriotic feeling,

on the part of the youth of a nation, has frequently been the result of fortuitous causes, which, ceasing to operate, their effect is soon dissipated, and the national character again sinks to its former level. Such was the case with Thebes. By the example and precepts of Epaminondas and Pelopidas, the bosoms of the Theban youth were lighted with unwonted fires, which rendered them invincible. But with the death of these great men, the spirit of the nation again sank, and the presence of the *sacred band*, was no longer the signal of victory. With Sparta, it was otherwise. That unbending spirit, that proud superiority, which the Spartan youth displayed in every situation, and which induced him to seek a death in the service of his country, as the most enviable distinction, was the result of impressions fixed upon the mind in the earliest periods of life, and continued through the stages of minority. Other lessons might occasionally be taught, but this being always present to the mind of the youth, the love of country, and the obligation to die whenever her service required the sacrifice, suppressed or weakened every other passion of the soul, and it reigned triumphant. This accounts for the uniform character of the Spartan warriors, through a long lapse of ages. And this, too, was the source of the bravery which I have assigned to the Wyandots, in the commencement of the eighteenth century, and which I knew them to possess at its close. To die for the interest or honor of his tribe, and to consider submission to an enemy the lowest degradation, were daily lessons impressed upon the dawning reason of the child, and continued through all the stages of youth. Facts, in support of what is here asserted, will be given in a subsequent part of the narrative.

The departure of the Wyandots, gave the long wished for opportunity to the Iroquois, to advance into Ohio. And that they did advance as far as the Sandusky, either at that period or some time after, is admitted. But there is no evidence whatever, to show, that they made a conquest of the Miamis, other than their own assertions, and that of the English

agents, residing among them, who obtained their information from the Indians themselves. Whilst the want of such acknowledgments on the part of the Miamis, a number of facts, susceptible of proof, and with all the inconsistencies and, indeed, palpaple absurdities, with which the Iroquois accounts abound, form such a mass of testimony, positive, negative, and circumstantial, as should, I think, leave no reasonable doubt that the pretensions of the latter, to the conquest of the country from the Scioto to the Mississippi, are entirely groundless. In the accounts which the Miamis gave of themselves, there was never any reference to a war with the Iroquois, whilst they declared that they had been fighting with the southern Indians, (Cherokees and Chickasaws,) for so many ages, that they had no account of any period when there was peace with them. At the treaty of Greenville, and at all the subsequent treaties, made for the extinguishment of their title to the extensive tract which I have assigned to them above, no suggestion was made of any claim of the Iroquois to any part; and there were, upon most of those occasions, those present, who would have eagerly embraced the opportunity to disparage the character of the Miamis, by exhibiting these as a conquered and degraded people. The Iroquois were not represented at the treaty of Greenville, but previously to its being held, they took care to inform General Wayne, that the Delawares were their subjects — that they had conquered them and put petticoats upon them. But neither claimed to have conquered the Miamis, nor to have any title to any part of the country in the occupancy of the latter.

The French had establishments in the Illinois country in the latter part of the 17th century, and upon the authority of the learned and Rev. Dr. Brute, present bishop of Vincennes, Mr. Butler, in his recent history of Kentucky, asserts that Vincennes was a missionary post, so early as the year 1700; at that period the Miami nation is represented by all French accounts as very numerous, and in the undisputed

possession of all the country I have claimed for them. I have myself seen a very old and respectable citizen of St. Louis, who recollected when the five tribes of the nation who went under the appellation of Illinois tribes, could bring into the field four thousand warriors, and yet they did not compose the strength of the nation, which was to be found strung along the banks of the Wabash and its tributary streams, and no doubt far into Ohio. In the year 1734, M. De Vincennes, a captain in the French army, found them in possession of the whole of the Wabash, and their principal town occupying the site of Fort Wayne, which was actually the key of the country below. This officer was the first Frenchman who followed the route of the Miami of the Lake, and the Wabash, in passing from Canada to their western settlements, and in doing so at this time, throws some light upon the chronology of some of the events to which I have referred. Long before this period, the French must have known of the shorter and easier route, and no reason can be assigned for their never having used it, but from its being the seat of war on some portion of it, which rendered it unsafe.

This war I suppose to be that between the Wyandots and Iroquois, and although I would fix its termination earlier by some years than the expedition of De Vincennes, yet being an experiment, it is probable that it required some time to ascertain its entire safety, nor is it at all impossible that the Tiwictewees (always the most eastern of the Miami tribes) were not upon the most friendly terms with the Iroquois. Indeed, the probability is, that there was war between them, but not of a decisive character, and if any conquests were made, or any part of the territory of the Miamis conquered, it must have been of trifling extent; if victories had been gained, their effects were evanescent and of no use to the conquerors. De Vincennes, in 1734, found them (the Miamis) in the possession of the entire Wabash, and in 1751, the Tiwictewees were visited at their towns, on the Scioto, one hundred and fifty miles from the mouth, by Mr. Gest;

of Virginia, whose journal has been lately published by Mr. Sparks, amongst the Washington papers. Mr. Gest remarks, that they were there "in amity with the Six Nations," and adds, that they "appeared to him to be a very superior people" to their supposed conquerors. Amongst the inconsistencies to be found in the declaration of those who support the pretension of the Iroquois on this side of the Ohio, I shall at this time mention but one. After broadly asserting the claim of conquest to the Mississippi, it seems that in 1781, Colonel Croghan, who is represented to have been an agent with the Iroquois, for the thirty years preceding, limited their right "on the south-east side of the Ohio, to the Cherokee (Tennessee) river, and to the Big Miami, or Stony river, on the north-west side." Even this reduced claim to the territory within one state, will not be admitted, as it has been shown that the Tiwictewees were in full possession of the Scioto, upwards of one hundred miles above the Miami, where they were visited by Mr. Gest, and presenting nothing to indicate a conquered people. I have no doubt that their pretensions to extensive conquests on the south-east side of the Ohio, are also untenable. Dr. Franklin asserts, that at a treaty held in 1744, the chiefs of the Six Nations, upon being questioned as to their title, made this reply, "that all the world knew that they had conquered the nations living on the Susquehanna, the Cohongoranto, (now Potomac,) and back of the Virginia mountains." The Doctor further asserts, upon the authority of Mitchell, the author of a work which had been published at the solicitation of the British board of trade and plantations, "that the Six Nations had extended their territories ever since the year 1672, when they subdued and were incorporated with the Shawanoes, *the native proprietors* of those countries." Besides which "they claim a right of conquest over the Illinois and all the Mississippi, as far as they extend." I have already disposed of the Illinois portion of these pretended conquests, and I will now show that the whole account of the subjugation of the Shawanoes

by the Iroquois, is still more clearly destitute of foundation. No fact, in relation to the Indian tribes, who have resided on our north-west frontiers for a century past, is better known, than that the Shawanees came from Florida and Georgia about the middle of the eighteenth century. They passed through Kentucky (along the Cumberland river) on their way to the Ohio. But that their passage was rather a rapid one, is proved from these circumstances. Black Hoof, their late principal chief, (with whom I had been acquainted since the treaty of Greenville,) was born in Florida, before the removal of his tribe. He died at Wapocconata, in this state, only three or four years ago. As I do not know his age, at the time of his leaving Florida, nor at his death, I am not able to fix with precision the date of the emigration. But it is well known that they were at the town which still bears their names on the Ohio, a few miles below the mouth of the Wabash, sometime before the commencement of the revolutionary war; that they remained there some years before they removed to the Scioto, when they were found by Governor Dunmore, in the year 1774. That their removal from Florida, was a matter of necessity, and their progress from thence, a flight, rather than a deliberate march, is evident from their appearance, when they presented themselves upon the Ohio, and claimed the protection of the Miamis. They are represented by the chiefs of the latter, as well as those of the Delawares, as supplicants for protection, not against the Iroquois, but against the Creeks and Seminoles, or some other southern tribe, who had driven them from Florida, and they are said to have been literally *sans provat et sans culottes*. As during this rapid flight, was the first and only time that the Shawanees had ever been in Kentucky, the story of their having been conquered, and their right to the country obtained by the Six Nations, in consequence of that conquest, nearly a century before, must be considered an entire fabrication. This history of the Shawanees was brought forward at a council held at Vincennes, in the year

1810, to resist the pretensions advanced by the far-famed Tecumthey to an interference with the Miamis in the disposal of their lands. However galling to this chief, the reference to these facts might have been, he was unable to deny them, as will be seen by an examination of the proceedings of this council, preserved in McAffee's history of the western war. These facts prove most clearly, that the Six Nations never did acquire a title to the country between the Kentucky river and the Tennessee, by the subjugation of the Shawanees, unless it was when that tribe was passing through it nearly a century subsequent to the period in which it is said to have taken place. If it should be asserted that the Shawanoes might have occupied the country in question before the year 1674, and have been then driven off by the Iroquois, and sought refuge in Florida, from whence they again returned after a lapse of seventy or eighty years, the answer is, that they give no such account of themselves, nor are there any traces in the country itself, to show that it had been occupied either by the Shawanees or any other tribe, for some ages at least before the period fixed for its conquest by the Iroquois. All the early voyagers on the Ohio, and all the first emigrants to Kentucky, represent the country as being totally destitute of any recent vestiges of settlement. Mr. Butler, in his history of Kentucky, remarks in the text, that "no Indian towns, within recent times, were known to exist within this territory, either in Kentucky or the lower Tennessee;" but in a note he says, "there are vestiges of Indian towns near Harrodsburg, on Salt river, and at other points, but they are of no recent date." The same author, and all others assert, "that this interjacent country, between the Indians of the south, and those north-west of the Ohio, was kept as common hunting ground or field of battle, as the resentments or inclinations of the adjoining tribes prompted to the one or the other." The total absence of all vestiges of settlement, of a date as late as the period of the alleged conquest, is conclusive testimony against it. The process by which nature

restores the forest to its original state, after being once cleared, is extremely slow. In our rich lands, it is, indeed, soon covered again with timber, but the character of the growth is entirely different, and continues so, through many generations of men. In several places on the Ohio, particularly upon the farm which I occupy, clearings were made in the first settlement, abandoned, and suffered to grow up. Some of them, now to be seen, of nearly fifty years growth, have made so little progress towards attaining the appearance of the immediately contiguous forest, as to induce any man of reflection, to determine, that at least ten times fifty years would be necessary before its complete assimilation could be effected. The sites of the ancient works on the Ohio, present precisely the same appearance as the circumjacent forest. You find on them, all that beautiful variety of trees, which gives such unrivaled richness to our forests. This is particularly the case, on the fifteen acres included within the walls of the work, at the mouth of the Great Miami, and the relative proportions of the different kinds of timber, are about the same. The first growth on the same kind of land, once cleared, and then abandoned to nature, on the contrary, is more homogenious — often stinted to one, or two, or at most three kinds of timber. If the ground had been cultivated, yellow locust, in many places, will spring up as thick as garden peas. If it has not been cultivated, the black and white walnut will be the prevailing growth. The rapidity with which these trees grow for a time, smothers the attempt of other kinds to vegetate and grow in their shade. The more thrifty individuals soon overtop the weaker of their own kind, which sicken and die. In this way, there is soon only as many left as the earth will well support to maturity. All this time the squirrels may plant the seed of those trees which serve them for food, and by neglect suffer them to remain, — it will be in vain; the birds may drop the kernels, the external pulp of which have contributed to their nourishment, and divested of which they are in the best state for

germinating, still it will be of no avail; the winds of heaven may waft the winged seeds of the sycamore, cotton-wood and maple, and a friendly shower may bury them to the necessary depth in the loose and fertile soil — but still without success. The roots below rob them of moisture, and the canopy of limbs and leaves above intercept the rays of the sun, and the dews of heaven: the young giants in possession, like another kind of aristocracy, absorb the whole means of subsistence, and leave the mass to perish at their feet. This state of things will not, however, always continue. If the process of nature is slow and circuitous, in putting down usurpation and establishing the equality which she loves, and which is the great characteristic of her principles, it is sure and effectual. The preference of the soil for the first growth, ceases with its maturity. It admits of no succession, upon the principles of legitimacy. The long undisputed masters of the forest may be thinned by the lightning, the tempest, or by diseases peculiar to themselves; and whenever this is the case, one of the oft-rejected of another family, will find between its decaying roots, shelter and appropriate food; and springing into vigorous growth, will soon push its green foliage to the skies, through the decayed and withering limbs of its blasted and dying adversary — the soil itself, yielding it a more liberal support than any scion from the former occupant. It will easily be conceived what a length of time it will require for a denuded tract of land, by a process so slow, again to clothe itself with the amazing variety of foliage which is the characteristic of the forests of this region. Of what immense age, then, must be those works, so often referred to, covered, as has been supposed by those who have the best opportunity of examining them, with the second growth *after the ancient forest state had been regained?*

But setting aside all that has been advanced adverse to the claims of the Six Nations, to be the extensive conquerors that they have so long been considered, there are, I think, insuperable arguments to be found against it, drawn from the

nature of man in every age, and from the state in which they were at that period. They have been compared to the Romans — but in what did the resemblance consist? Like that celebrated people, they might have been ambitious of extending their influence, and, like them, constant in adhering to a course of policy adapted to secure it. But there the parallel must end. The ingredient in the composition of a Roman army, to which all their conquests are justly attributed, they did not, and in the state of society to which they were advanced, they could not have possessed. I allude to that bond by which an army of many thousands are brought to a harmony and unity of action, as if they were possessed of one spirit and one mind. Without this, no distant foreign conquests ever have been or ever can be made. In every considerable collection of men in arms, in every state of society, the elements of faction, disunion and final dissolution are always to be found. If the warriors of the Iroquois did not possess this spirit in a superior degree, they greatly differ from the kindred tribes of this country, with whom I have been acquainted. To have conquered the numerous tribes between their frontier and the Mississippi, in the short period assigned to it, an army of many thousands would have been requisite. How would an army of that size be supported? The game of the forest flies before the march of an army, and the state in which these Indians were at that time, being without beasts of burden (and having a natural horror of exercising that quality of the Roman soldiers themselves) they would be unable to apply the superabundance of one day to the wants of another. The power to move men in masses, to be efficient, is one of the highest evidences of civilization. The manner of making war amongst the North American Indians, was totally different. They endeavored to *wear away* their enemy, by surprising and butchering, now a family, less frequently a hunting camp, but rarely a village. If the hostile parties were in juxtaposition, as the Sacs and Foxes, and the Illinois Miamis, a few years would determine

the contest. But if they were separated by a large tract of unoccupied territory, as the north-west and southern Indians, ages might pass over without any thing decisive being effected. An erroneous opinion has prevailed in relation to the character of the Indians of North America. By many, they are supposed to be stoics, who willingly encounter deprivations. The very reverse is the fact; if they belong to either of the classes of philosophers which prevailed in the declining ages of Greece and Rome, it is to that of Epicureans. For no Indian will forego an enjoyment or suffer an inconvenience, if he can avoid it. But under peculiar circumstances: when, for instance, he is stimulated by some strong passion — but even the gratification of this, he is ever ready to postpone, whenever its accomplishment is attended with unlooked for danger, or unexpected hardships. Hence their military operations were always feeble — their expeditions few and far between, and much the greater number abandoned without an efficient stroke, from whim, caprice, or an aversion to encounter difficulties.

But if the Indian will not, like Cato, throw from him "the pomps and pleasures," with which his good fortune furnishes him — when evils come which he cannot avoid, when "the stings and arrows of outrageous fortune" fall thick upon him, then will he call up all the spirit of the man into his bosom, and meet his fate, however hard, like "the best Roman of them all." With all these facts before me, I cannot persuade myself, that the Six Nations ever extended their conquests in the manner that has been stated. Their attempts to conquer the numerous and warlike tribes on the Mississippi, would have been rendered abortive, in one of the two ways mentioned in the apothegm of Henry the IV., in relation to Spain: — "If a small army should be sent, they would be defeated: if a larger one, it would starve." The extensive conquests made by the *shepherds* of Scythia, during the middle ages, both in Asia and Europe, oppose no argument against the theory I have attempted to establish. There

is no point of comparison in the situation of a people who, to an abundance and variety of the domestic animals which furnish food and clothing, add the possession of the horse, superior to any of them, and equally useful in peace as in war, and those who have none of these aids.

At the general peace of Utrecht, in 1712, the French were made to acknowledge the Iroquois as being under the exclusive protection of Great Britain. As a counterpoise to the strength which the alliance with these tribes brought to their rival, the former power soon employed themselves in securing the friendship of the more western tribes. But although these great rival powers became parties in the war which was kindled in Europe, upon the death of the Emperor Charles the VI., their subjects in the interior of the American continent, as well as the Indian tribes, were suffered to remain in quiet. But in that which was commenced in 1755, both parties claimed the assistance of their respective Indian allies. The Six Nations gave their powerful aid to the English, whilst the north-western Indians ranged themselves on the side of the French, and contributed largely, by their assistance, to the defeat of General Braddock, and to procrastinate the fall of Fort Du Quesne, and other western posts. The peace of Paris, in 1763, terminated the war between France and England, and the entire cession of all the French dominions in North America, to the latter power, seemed to promise a lasting peace with the Indians. Such, however, was not the case. One year of bloody war, after the English had gained possession of all the western posts, desolated the frontiers, and the important fortress of Michillimackinac was taken, and Detroit, Fort Pitt, and Niagara, had nearly suffered a like fate. In these enterprises, the Indians of Ohio, the Wyandots, Delawares and Shawanees, acted a conspicuous part. A treaty of peace was at length effected, through the instrumentality of the Six Nations. It was not, however, kept with good faith by the Indians, who continued to commit occasional depredations upon the frontiers of Penn-

sylvania and Virginia, throughout the ten following years, until the year 1774, a grand expedition under the command of the titled governor of Virginia, against the Indians of Ohio, resulted in the celebrated battle of Kenhawa, by the left wing of the army, whilst that under the immediate orders of the governor, penetrated to within a short distance of the Shawanee towns on the Scioto, when a precipitate treaty was concluded, and the governor hastened to his capital to provide against a storm of a different character, of the approach of which he had seen evidences which could not be misunderstood. In the year 1775, Great Britain determined to compel her colonies to submit to her arbitrary mandates, with that recklessness of means for which she has ever been remarkable, whenever a purpose of aggrandisement, or vengeance, was to be secured by the influence of the traders, by large donations, and larger promises, engaged all the north-western Indians in her cause, with a view to the devastation of the frontiers. Attempts were made by Congress to avert this calamity, by convincing the Indians that they had no interest in the quarrel, and that the wiser path, was to observe a perfect neutrality. Nothing can show the anxiety of Congress, to effect this object, in stronger colors than the agreement entered into with the Delaware tribes, at a treaty concluded at Pittsburg, in 1778. By an article in that treaty, the United States proposed that a state should be formed, to be composed of the Delawares and other tribes, and contracted to admit them, when so formed, as one of the members of the Union. But this, as it might perhaps have been afterwards considered, enviable distinction weighed but little in the eyes of the Indians, compared to the present advantages of arms and equipments, clothing and trinkets, which were profusely distributed by the agents of Great Britain. It is not my design to detain you with any of the details of this war, or that which immediately followed the war of the revolution, and which continued to the peace of Greenville, in 1795 — the latter either belongs to the history of the

adjacent states, or to the general history of the United States—but to give a general idea of the Indian tribes who have been once the residents and proprietors of our state, abstracted as much as possible from our own history. No doubt can be entertained, that, although constrained to acknowledge the independence of the United States, the government of Great Britain still indulged the hope, that at some distant period it would be able again to reduce them to subjection. No other reason can be assigned for the close connection which they continued to keep up with the tribes within our territorial boundary, and their constant and liberal supply to them of the means of committing depredations upon our settlements. For the first few years, the military equipments were more cautiously supplied. But after the failure of the expedition under General Harmar, and the total defeat of our army, in November, 1791, under the command of General St. Clair, the government of Great Britain believed the propitious moment had arrived, so ardently wished for, to wipe off the stain which had been fixed upon their military renown, in the former war with America, and again to replace in the diadem of their sovereign, what was denominated by the greatest of her statesmen, "the brightest jewel that it had contained." The mask was not, however, entirely thrown off. For, in the spring of 1793, Great Britain tendered her services as a mediator of peace with the hostile tribes. The offer was accepted, and three of our most distinguished citizens were commissioned, under the guarantee of safety, by the British, to meet the Indians at the rapids of the Miami of the Lake. This conference resulted in a conviction of the insincerity of the British, and that there was no hope of effecting a peace upon any honorable terms, but by first convincing the Indians of our military superiority.* A lesson of this sort was in preparation for their use, under the auspices of one of the heroes of the revolution. The delay of a

* See note C, in Appendix.

second summer, produced by the abortive negociation, was employed by him to make its success more certain. On the 20th of August, 1794, within the bounds of our own state, and within view of the scene of the council, of the previous year, the eyes of the Indians were opened to the fallacies of British promises, and to their entire inability to resist an American army, when properly directed. The aid furnished them by the British, being open and palpable, fully sufficed to show their entire disregard of the principles of neutrality, but was still behind their promises, and the expectations of the Indians. In despite of the opposition of the British agents, the Indian chiefs applied to the commaning general for an armistice. This being granted, was followed, in the succeeding year, by a general peace. The tribes which had been united in the war against the United States, were the Wyandots, Delawares, Shawanees, Chippewas, Ottowas, Potowatomies, Miamis, Eel River tribes, and Weas. The three last constitute, indeed, but one tribe, but, in consideration of the country which was ceeded by the treaty, being really their property, this division of their nation was admitted by General Wayne, the commissioner, in order to give them a larger share of the annuities which were stipulated to be paid by the United States.

The above mentioned Indian tribes could not have brought into the field more than three thousand warriors at any time, during the ten years preceding the treaty of Greenville, although a few years before, the Miamis alone, could have furnished more than that number. The constant war with our frontier, had deprived them of many of their warriors, but the ravages of the small-pox, was the principal cause of this great decrease of their numbers. They composed, however, a body of the finest light troops in the world, and, had they been under an efficient system of discipline, or possessed enterprise equal to their valor, the settlement of the country would have been attended with much greater difficulty than was encountered in accomplishing it, and their final sub-

jugation delayed for some years. The Wyandots, the leading tribe of the confederacy, and that in whose custody the great calumet, the symbol of their union, was entrusted, had authority to call a council of the chiefs of the several tribes, to consult upon their affairs. But there was no mode of enforcing their decision, and the execution of any plan of operations, that might have been determined on, depended entirely upon the good pleasure of those who were to execute it. At one time it was thought, indeed, that they had adopted the very judicious plan of cutting off the convoys of the army, by a constant succession of detachments. This was, however, soon abandoned. And under the influence of the confidence which they had acquired, as well in their valor as their tactics, from their repeated success, they again determined to commit the fate of themselves and their country, to the issue of a general battle. This was all that was wanted by the American commander. By this fatal determination they had already prepared the wreath of laurels which was to adorn his brow, by their complete and total discomfiture. The tactics which had been adopted for the American legion, had been devised with a reference to all the subtleties, which those of the Indians were well known to possess. It united with the apparently opposite qualities of compactness and flexibility, and a facility of expansion under any circumstances, and in any situation, which rendered utterly abortive the peculiar tact of the Indians, in assailing the flanks of their adversaries. The correctness of the theory, which dictated this plan, was proved in the trial, and confirmed the truth of the sententious motto of a military society, even where Indians are the enemies: — "Scientia in bello, pax."

It may be proper that I should say something more as to the character of the now scattered and almost extinct tribes which so long and so successfully resisted our arms, and who for many years after, stood in the relation of dependants, acknowledging themselves under our exclusive protection. Their character as warriors, has been already remarked upon.

Their bravery has never been questioned, although there was certainly a considerable difference between the several tribes, in this respect. With all but the Wyandots, flight in battle, when meeting with unexpected resistence, or obstacle, brought with it no disgrace. It was considered rather as a principle of tactics. And I think it may be fairly considered as having its source in that peculiar temperament of mind, which they often manifested, of not pressing fortune under any sinister circumstances, but patiently waiting until the chances of a successful issue appeared to be favorable. With the Wyandots it was otherwise. Their youth were taught to consider any thing that had the appearance of an acknowledgment of the superiority of an enemy, as disgraceful. In the battle of the Miami Rapids, of thirteen chiefs of that tribe who were present, one only survived, and he badly wounded.*

As it regards their moral and intellectual qualities, the difference between the tribes was still greater. The Shawanees, Delawares, and Miamis, were much superior to the other members of the confederacy. I have known individuals among them, of very high order of talents, but these were not generally to be relied upon for sincerity. The Little Turtle, of the Miami tribe, was one of this description, as was the Blue Jacket, a Shawanee chief. I think it probable that Tecumthey possessed more integrity than any other of the chiefs, who attained to much distinction; but he violated a solemn engagement, which he had freely contracted, and there are strong suspicions of his having formed a treacherous design, which an accident only prevented him from accomplishing. Sinister instances are, however, to be found in the conduct of great men, in the history of almost all civilized nations. But these instances are more than counterbalanced by the number of individuals of high moral character, which were to be found amongst the principal, and secondary chiefs, of the four tribes above mentioned. This

*See note D, in Appendix.

was particularly the case with Tarhe, or the Crane, the grand sachem of the Wyandots, and Black Hoof, the chief of the Shawanees. Many instances might be adduced, to show the possession, on the part of these men, of an uncommon degree of disinterestedness and magnanimity, and strict performance of their engagements, under circumstances which would be considered by many as justifying evasion. But one of the brightest parts of the character of those Indians, is their sound regard to the obligations of friendship. A pledge of this kind, once given by an Indian of any character, becomes the ruling passion of his soul, to which every other was made to yield. He regards it as superior to every other obligation. And the life of his friend would be required at the hands of him, (or his tribe,) who had taken it, even if it had occurred in a fair field of battle, and in the performance of his duty as a warrior. An event might have occurred in the late war with Great Britain, and their allies, in which a most striking exemplification of this principle would have been exhibited. In the autumn of 1793, the chief, Stiff Knee, of the Seneca tribe, who had been the friend of General Richard Butler, who had fallen on the fatal 4th of November, 1791, joined the army of General Wayne, for the purpose of avenging his death. The advance upon the enemy having been arrested, from the lateness of the season, and the troops placed in cantonments for the winter, impatient of delay, the chief earnestly solicited the general to be permitted to go with a detachment to attack one of the positions of the enemy. This request was, of course, refused. To satisfy him, and to prevent his going alone, the general informed him that an ample opportunity of vengeance would be offered in the spring. But the soul of the warrior could not brook this delay. To the officer with whom he lodged, he expatiated upon the unsupportable weight by which his mind was oppressed, at the postponement of the day of retribution for the death of his brother, whose spirit was constantly calling on him for vengeance. Upon one of these

occasions, he said, that, denied an opportunity of performing this sacred obligation, nothing remained but to convince his friend how readily he would have died for him, and before his arm could be caught, he plunged a poignard in his bosom.

I am satisfied that this is not the proper time to enquire how far the United States have fulfilled the obligations imposed upon them by their assuming, at the treaty of Greenville, the character of sole protectors of the tribes who were parties to it, a stipulation often repeated in subsequent treaties. But I will take this opportunity of declaring, that if the duties it imposed, were not faithfully executed, during the administration of Mr. Jefferson, and Mr. Madison, as far as the power vested by the laws in the Executive would permit, the immediate agents of the government are responsible, as the directions given to them were clear and explicit, not only to fulfil with scrupulous fidelity, all the treaty obligations, but upon all occasions, to promote the happiness of these dependant people, as far as attention and expenditure of money could effect these objects.

APPENDIX.

NOTE A.

The object of Themistocles was to induce the council of war to adopt his opinion of fighting the Persians, in the narrow strait which separates the island of Salamis from the main, which would prevent them from being surrounded by the immensely superior fleet of the latter. The commander of the Spartan squadron, and those of the other states within the isthmus of Corinth, were desirous to retreat to the shores of Peloponnesus, in the vicinity of which the army of the Peloponnesian Greeks had been assembled, for the purpose of guarding the isthmus, which afforded the only land entrance to that portion of the country. Themistocles endeavored to convince the council, that if they abandoned the favorable position which the straits of Salamis afforded, and attempted a retreat to the coast of Peloponnesus, they would be pursued by the Persians, and obliged to fight in the open sea, which would enable the enemy to surround their comparatively small force, and that defeat would be inevitable. The Grecian fleet being destroyed, the Persians would be enabled to turn the position of the army, which would be deprived of all the advantages in defending it. He was, also, afraid that the fleet would separate, each squadron repairing to the harbor of the state to which it belonged, preferring (as is the case in all confederacies, where there is no common head in the government, with power to enforce obedience to its decrees,) the interest of the individual member to which it belonged, to the common good. The debate became warm; and the Spartan commander losing his self-command, raised his staff to strike his opponent. The noble Athenian, full of confidence in the measures he had recommended, for the destruction of their common enemy, and of enthusiasm in the cause of liberty and civilization, attempted neither to avert the blow, or resent the indignity. His remark, "strike, but hear me," seemed rather to invite it, as the price of the attention of his enraged commander, to arguments which he knew could not be answered.

Eurybiades, awed by the indomitable firmness of the Athenian, calmed his passion, submitted himself to the mighty genius of his rival, and Greece was saved.

NOTE B.

The circumstances which militate most against the supposition of the identity of the Astecks, with the authors of the extensive ancient works

in Ohio, is the admitted fact, that the latter entered the valley of Anahuac, from the north-west, that is, from California, which is much out of the direct route from the Ohio to Mexico. A strong argument in favor of it, is the similarity of the remains which are found in that region, (California,) as well as in Mexico itself, with those in the valley of the Ohio. I am not informed whether there are any such in the intermediate country, between the lower Mississippi and California. But if there are none, it will serve rather to confirm and strengthen my opinion, that the fugitives from the Ohio were, like those from Troy, a mere remnant, whose numbers were too small to erect works of so much labor, as those they had left behind had required, but after their strength had been increased, by a residence for some time in California, the passion for such works had returned with the ability to erect them.

The similarity, in point of form and mode of construction, between the works now to be seen in all the countries I have mentioned, (Ohio, Mexico, and California,) prove that they must have been erected by the same, or a kindred people, derived from the same stock, and if the latter, the separation took place *after the custom of such erections had commenced.*

If the opinion is adopted, that the Astecks were never in Ohio, but had pursued the direct route from Asia, (whence it is believed they all came,) to California, along the coast of the Pacific ocean, and that the authors of the Ohio erection were from the same continent and stock, the questions may be asked:—Where did the separation take place? Was it before they left Asia, or after their arrival upon the American continent? Are there any works similar to those in Ohio, Mexico, and California, to be found in the north-east of Asia, or between the Pacific and the Rocky Mountains, or on the route which that branch of the nation would have pursued, which bent their course towards the valley of the Ohio? If these questions are answered in the negative, it will thus go far to prove that the practice of constructing such works originated in the latter, and that those who erected them, were the same people who afterwards sojourned in California, and finally settled in the valley of Anahuac, or Mexico. If we adopt the opinion that they were totally a distinct people, or were different branches of the same original Asiatic stock, we must believe, also, that they each fell into the practice of erecting extensive works, of the same form, and of the same materials, (in a manner not known to be practised by any other people,) without any previous knowledge to guide them, and without any intercourse. This, to say the least of it, is very improbable.

If the Astecks were not the authors of the Ohio works, we can only account for the ultimate fate of those who were, by supposing that they were entirely extirpated, preferring, like the devoted Numantians, to be buried under the ruins of their own walls, to seeking safety by an ignominious flight.

I find no difficulty from the facts mentioned in the text, in adopting

the opinion, that these people were conquered by those who were less civilised than themselves. An enlightened nation, whose military institutions are founded upon scientific principles, and which relies upon its own citizens for protection, will never be subdued by savages, nor by those who have made little progress in civilization. They may be beaten in a battle, indeed, in many battles, as was the case when the barbarians of Gaul and Germany, who first broke through the boundaries of the Roman republic, and in our day and nation, when the north-western Indians defeated our armies in two successive campaigns, as they had previously done those of Great Britain. But their triumphs will be terminated as soon as the causes which produce them are ascertained, and a change effected in the plan of operations, or in the mode of forming the troops, to meet the exigency, as was the case in the former, under the direction of Caius Marius, and in our own, under the direction of Anthony Wayne. But it is quite otherwise with those who have made such small progress in civilization, as to be unable to make war upon fixed and scientific principles. I have assigned to the nameless nation of our valley, the character of an agricultural people, and this is precisely the state (without military institutions) in which a nation is most weak, and most easily conquered, by those who still depend upon the chase for food, or who have advanced still farther, and draw their subsistence from flocks and herds of their own rearing. The labors of agriculture serve to form the body to endure the toils and hardships incident to a military life. There is something, too, in that kind of employment which serves to kindle a spirit of independence in the bosom, and nurture the feelings of patriotism. Hence, it has happened, that agricultural nations, which had engrafted a system of military instruction, with the ordinary education of youth, have always been the most renowned in war, and most difficult to be conquered.

> "Hanc olim veteres vitam coluere Sabini,
> Hanc Remus et frater; sic Fortis Etruria crevit,
> Scilicet et rerum facta est pulcherrima Roma,
> Septemq; una sibi muro circumdedit arces."
>
> 2d. GEORGICS.

But whilst the occupation of the husbandman furnishes the best materials for making good soldiers, as well from the qualities it imparts to the mind, as the strength and activity which the body receives from constant exercise, and nutritive aliment, it teaches nothing of the military art. The hunter, on the contrary, is already a soldier, as far, at least, as individual qualities can make him so. But the pastoral life, (not that which the poets have furnished, the pictures drawn from their own imaginations, but that which authentic history describes,) furnishes, not only men suited to war, by their personal qualities, but armies which have acquired, from their congregated mode of life, a degree of discipline, and

a knowledge of the most important operations of war. There is nothing in the employment of the agriculturist, or artisan, which bears any resemblance to military duty. The citizens employed in such labor, (exclusively,) cease to be soldiers, and the agricultural, or manufacturing nation, which adopts no system of military instruction, for its youth, must depend upon the employment of mercenaries for its protection, or it will become a prey to the first invader. The German, or Scythian, hordes which obtained, from the fears, or the weakness of the Roman emperors, settlements within their borders, were unable, after a few years, to resist the new swarms from the same hives, which pressed upon them, and which adhered to their original mode of life and manners. But the most extraordinary instance of the superiority of savages, in war, to an agricultural people, who neglect military institutions, is furnished by the history of our own parent isle, in the applications of the Britons for assistance, to a Roman emperor, after the abandonment of their island, by the troops of the latter. It is impossible for language to convey, at once, a more dastardly spirit, and consciousness of extreme imbecility, than that used by the British deputies, on this occasion. "The Caledonian savages," say they, "drive us to the ocean, and the ocean again repels us back upon our enemies."

The fate of our predecessors, in the occupancy of our fine country, was, no doubt, long procrastinated by their patience of labor, and knowledge in the art of fortification. By similar means, and by the application of a chemical discovery, to the purposes of their defence, the tottering fabric of the lower Roman Empire, was for many ages sustained, and long after the* "naked and trembling legions" had declined to meet their barbarous adversaries in an equal field. The Ohio fortresses were not erected for defence against a casual invasion. The size of their walls, and the solidity of their construction, shows that the danger which they were intended to avert, was of constant recurrence. But whilst their persons were safe, behind bulwarks impregnable to savages, they might behold, from their summits, the devastation of their ripened fields. The seed time, indeed, as well as that of the harvest, might be marked by a crafty foe; and thus the hopes of reaping even a portion of the gifts of autumn, be destroyed by want of opportunity to perform the indispensable labors of spring.

It appears, however, that no exertion was omitted to avert their impending fate. The work to which I have referred, at the mouth of the Great Miami, was a citadel, more elevated than the Acropolis of Athens, although easier of access, as it is not like the latter, a solid rock, but on three sides as nearly perpendicular as could be, to be composed of earth. A large space of the lower ground, was, however, enclosed by walls, uniting it with the Ohio. The foundation of that, (being

* Their defensive armor was laid aside in the reign of the Emperor Gratian.

of stone, as well as those of the citadel,) that forms the western defence, is still very visible where it crosses the Miami, which, at the period of its erection, must have discharged itself into the Ohio much lower down than it now does. I have never been able to discover the eastern wall of this enclosure, but if its direction from the citadel to the Ohio, was such as it should have been, to embrace the largest space, with the least labor, there could not have been less than three hundred acres enclosed. The same land, at this day, will produce under the best cultivation, from seventy to one hundred bushels of corn per acre. Under such as was then, probably, bestowed upon it, there would be much less, but still contribute much to the support of a considerable settlement of people, remarkable beyond all others, for abstemiousness in their diet.*

If we had the means of investigating closely the causes which led to the disasters of this nation, one, not the least in effect, would, I think, be found in their abominable religion, which taught the propitiation of the Deity, not by the sacrifice of the firstlings of flocks and herds, which, being the gift of God to man, he might again offer to his Maker, in gratitude for blessings received, or to obtain others which he sought, but by the immolation by man of his fellow man; that only creature of all that were created, whom the Creator reserved for himself, to fulfil his purposes, and minister his glory.

It is a little remarkable, that whilst the savages (those in the hunter state) throughout the American continent, should acknowlede the superintendence of the world by one God, and that a God of mercy and love; those who were a little farther advanced in civilization, who congregated together in cities and villages, and who drew their subsistence from the fruits of the earth, produced by their own patient labor, should clothe the god or gods whom they worship, with attributes and passions, which are only to be appeased by a sacrifice of blood, and that blood poured out from the bosoms of their fellow men.

It would seem, then, that the first advances in civilization, were equally unfavorable to liberty, and to the proper understanding of the obligations due from man to his Maker. In the first stages of society, the political institutions are few and inefficient, and whatever force they may possess, are applicable, rather to their foreign, than their domestic transactions. Each individual is the guardian of his own rights, and acquiring from it a high idea of his personal independence, is willing to respect the equal claims of others. If the social ties are few, they are proportionally strong: and the scene of attachment to the tribe or nation to which he belongs, is never felt in greater force in any future stage of

* When the Spaniards, under Cortes, were subsisted by the hospitality of the Mexicans, and other South American Indians, they complained that one Spaniard would consume more in one day, than would suffice ten Indians.

civilization. An injury offered to any individual belonging to it, from one of another tribe, would be considered his own, and his life would be willingly risked to redress or avenge it. His ideas of religion are derived from the spark which God has furnished to every bosom, and from the great book of nature, which is constantly spread before him. As these lights are in possession of all, he is willing that all should form their opinions from them, to suit themselves. But these feelings and sentiments, so universal in the hunter state, seem soon to disappear, when men begin to congregate in towns, and especially when the idea of individual property is established. In such a state of society, disputes and collisions will constantly arise, and it becomes necessary that the hitherto independent individual, should surrender some portion of his rights, the more certainly to secure those which he reserves. But in his inexperience, the guards with which he attempts to protect the latter, are too feeble to resist the assaults which are made upon them. By one set of his former equals, whom he has contributed to elevate to power, the whole of his political rights are usurped, and he becomes a slave; by another, his conscience is taken into keeping, and he is a monster. Strange, but true as strange, that as men progress in the arts, which enable them to live with more ease and comfort, they should lose the dignity of character and independence which had distinguished them in the earlier stages of society. That they, who were once jealous of their liberties, should become the willing instruments for enslaving others; who had seen, in the operation of nature's god, nothing but love to mankind, and the grant of equal power to all, should admit the pretensions of men like themselves, to speak in the name of the Creator, to claim the right to punish supposed breaches of his will; and worse than all, to clothe him with the forms, the cruelty, and ferocity of the most savage monsters of the desert. But such was the condition of the Mexicans, when first visited by the Europeans, and such, no doubt, was that of the Astecks in the valley of the Ohio. The temples of Circleville, Grave Creek and Newark, no doubt, annually streamed with the blood (if not of thousands, like those of Cholula and Mexico,) of hundreds of human beings.

At the period of the arrival of the Spaniards in Mexico, the profusion of victims demanded for sacrifice, was supplied by prisoners taken in war. Dr. Robertson objects to the account given by all the early Spanish historians, as to the number of these victims, upon the ground of the effect it would have upon population. He adopts the opinion of Las Casas, that if there had been such a waste of the human species, the country never could have attained that degree of populousness for which it was remarkable.* This reasoning is not, however, sufficient to overthrow the positive assertion of so many cotemporary historians. For many years before the arrival of the Spaniards, the Mexicans had

* Vol. iii., page 198–9.

been engaged in successful wars; and as it was the inviolable practice to sacrifice every prisoner, the number might have reached, for several years preceding the arrival of Cortes, even the highest number which the historians referred to, have mentioned, without conflicting with their assertions, as to the populousness of the country. For, in relation to the latter, these writers must have referred not to the conquered nations, but to the conquerors, or those, the Tlascalans for instance, who had not submitted to the Mexican power. It is asserted by Captain Cook, in his third voyage, that the practice of sacrificing human victims pervaded all the islands of the Pacific ocean; and that it produced a very decided effect upon the population.* The want of prisoners of war, was supplied from their own people. When this distinguished navigator was last at Otaheite, a civil war was raging. The party attached to the head chief or king, had been unsuccessful. After each disaster, sacrifices of this kind were offered to their god, to obtain more favorable results. One of the chiefs, upon being questioned upon the subject, defended the propriety of the practice, because, as he said, it propitiated the deity, who "fed upon the souls of the sacrificed," and repelled the charge of inhumanity, "because the victim was selected from the poorest of the people," the very class which forms the strength of every nation; which fights its battles, and protects its independence. But for the indisputable evidence which we have upon this subject, it could scarcely be believed, that the rulers of any people, could ever adopt a practice, at once so cruel, and so destructive in its consequences—producing the necessity of a double draft upon their population, to supply the losses of the battle field, and the demands of their own priesthood. Such, no doubt, was the practice with the Mexicans, and the nation of whose history I have attempted to present some gleanings, and it will serve to strengthen my conjecture, that the fate of the lattter, was hastened by their laboring under the double curse of an arbitrary government, and a cruel, bigoted, and bloody religion.

NOTE C.

The *ultimatum* of the Indians, was to make the Ohio the boundary between the United States and themselves.

NOTE D.

When General Wayne assumed the position of Greenville, in 1793, he sent for Captain Wells, who commanded a company of scouts, and told him that "he wished him to go to Sandusky and take a prisoner, for the purpose of obtaining information." Wells, (who, having been taken from Kentucky when a boy, and brought up amongst the Indians,

*Cook's Voyage, vol. i., page 348.

was perfectly acquainted with their character,) answered that "he could take a prisoner, but not from Sandusky." "And why not from Sandusky?" said the General. "Because," answered the Captain, "there are only Wyandots there." "Well, why will not Wyandots do?" "For the best of reasons," said Wells, "because Wyandots will not be taken alive."

A DISCOURSE

DELIVERED BEFORE THE OHIO HISTORICAL SOCIETY—BY JAMES H. PERKINS.

PRESIDENT AND GENTLEMEN OF THE HISTORICAL SOCIETY:—I meet you this evening with very great pleasure, for, although not yet a member of your body, I take a deep interest in the subjects which it is your purpose to pursue, and rejoice in your success. That success, perhaps, has not thus far equaled your hopes, but let not that fact dishearten you, gentlemen: that some interest is felt in your pursuits, the audience before me testifies, and though many may join your society, who do nothing, and care nothing for it,—though your numbers may be but few, and your results unseen for a while, there is no cause for despair in all this. It is one of the great sins of our day, that immediate and striking effects are demanded whenever an exertion is made; we have too little faith; we need to realise the parable of the mustard-seed; we need to feel that few and feeble as we may be, when entering upon a good work, we have no reason to fear if the work be indeed good, for there is One working with us whose ends will be brought about.

I would, also, gentlemen, thank you in the name of those who, though fellow-laborers with you, are not of your number,—for the patience, perseverance and energy which you have thus far shown. May your industry continue unabated; may you long labor, and with success, to collect materials for the writer, and to awake in all an interest in the study of history.

An interest, I say, in *all*. For who, in truth, is not capable of being interested in history? History is but the tale of the

world's doings, and refers no less to those of the hamlet, the workshop and the meadow, than to those of the capitol, the senate-chamber, and the field of battle. The Genius of history, is that spirit to whom power has been given to summon the old dead from their graves, and bid them walk before us, as they walked before our fathers; and it is not the scholar alone that is privileged to call this spirit,—the old man in the chimney-corner may call her, and she will come, and at his bidding the battle of Bunker Hill, or the bold march of Clarke through the western wilderness, or the quiet and sunny scenes of his own young days,—his village frolics, his village quarrels, his mother's death, his wedding, his emigration,—any, or all of these will rise as readily and truly as if a scholar spoke. The whole past is history, and not the man lives but daily plays the historian. The mother of the backwoods, fifty years since, as she drew her children closer to her when the winter-storm shrieked about her cabin, and cheered their little hearts by telling them how Boone, and Harrod, and Logan had fought when hope seemed over,—and how even feeble women had foiled the savage more than once,—she was an historian. Indeed, what is it that we do daily? We live history, and relate history. The meeting of the legislature, the coming together of this society, the education convention which will soon open,—all these will be soon matter of history. We draw not a breath, we utter not a word, we do not an act, but goes into that past which, becoming present again, is history. And of what does most of our conversation consist, but a continual summoning of this past to live once more? A relating or bringing back of what is gone?

Everywhere we find this interest in the past; in daily talk, in monuments, in writings. That race to whose labors we owe the mounds and walls of this and other lands, were interested in history. They would, had they been able, have written out their battles, and laws, and social customs for our reading; they could not thus write them, but they made their

mark, and we, wrapped in the past also, are still seeking to decpyher it.

All then, I believe, are interested in what has been done; in the past: but in our common records of it they are not interested. And why is this? It is because few care for dates, and places, and proper names; man loves to look into the past, because there dwelt man, and he is wrapped in its story more or less as that reveals man more or less. There is something in the struggles, and sufferings, and triumphs of our fellow beings, which takes hold of us with a mysterious power, so that our breath fails, and our knees tremble, and our very finger-ends tingle, as we listen. The child will hear you talk about life by the hour together, but he cares nothing for what is not living. It is a horse, or a dog, or Jack-the-giant-killer, or puss-in-boots, that he loves to hear about; and if you would tell him of the stars, or the sea, you must speak of the planets as journeying, and of the waves as leaping and living. The young and the rude always personify; they endow brute matter with vital and individual force; the boy talks of his foot-ball, and the sailor of his ship, and the mechanic of his machine, as "she." "She went over the fence," "or she met the waves bravely," or "she works to a charm;" and from these everyday expressions, up to those of the psalmist, who bids the waves clap their hands, and the hills be joyful together, we find the same tendency. It is life that man loves to watch, and hear of; life, that great mystery of our universe, that perpetual revelation of the Almighty.

Novels are read, days wasted and nights spent over them, because they picture the life of man; they open, as history cannot, the motives and the progress of every act. The love of fictitious writings, I regard as a strong proof of the interest which men take in what has been done. For, be it noted, it is not the fiction which is liked; truth is always preferred to fiction if there be but the same life in it; there is indeed a wonderful interest in the actual, merely as the actual. A boy

reads a tale, and if you tell him, when he is done, that it is true, he reads it over again with new zest; or, if he thought it true before, and you tell him that it is false, he feels that he has been a loser. Here and there in Miss Edgworth's works some anecdote is mentioned as being a fact; and that we long remember. A sketch in a periodical is "founded on fact," and it goes and goes where mere fiction would never reach. Who has not had new interest given to Scott's novels by his last notes, in which he gives the truths whereon they are based? Or, on the other hand, take a popular work of history, one that is read with interest by thousands, and prove it to be fictitious, and it would be dry as chaff; the life of Marion, full of vitality and incident and variety as it is, would be but a poor story if a false one; its wonderful points would then be improbable, its anecdotes would be unmeaning; but it is true, or supposed to be, and young and old can read it again and again.

There is then, I say, a very general and very deep interest in history; in the record of past life, in the record of what has actually been. But, be it noted, there must be life in the history, or to the mass of men it is nothing — dead events and deader dates are nothing. I may listen with infinite tedium to one man's account of a merry meeting, or a pitched battle, for he will but give me the fact that men and women laughed, and danced, or that two parties fell to and fought; while to another, who shall paint me the very men and women, and how this one was dressed, and that one held her head, and the other stepped off with a partner having a cork leg, or who shall make me see the red-coated soldiers, and hear the swearing sergeants, and watch the cool yeomanry, holding their fire till they can see the white of their enemies' eyes — to this man I could listen if I had not slept for forty-eight hours.

You are all acquainted with the biography of Johnson, by Boswell, and know that it is thought the best work of the kind extant. Why is this? How did that weakest of weak

men, that laughing-stock of his generation, succeed where the wise and learned have failed? He did it by painting to the life; not a foible, not a cross word, not a broad insult, not a disgusting habit, not a roll, nor a puff, nor any other living part of his subject is omitted.

You have all heard of Froissart, whose history, after five hundred years, is at this moment in course of republication, adorned and illustrated in the choicest style of the modern English press. Why is this? Countless other historians have, since he wrote, risen and gone into invisibility again, why does this one loom forth so? Because men walk, and horses rear, and ladies laugh, in his pages; it is all busy life.

And very lately a work has been published which, be its faults what they may, is full of the deepest interest, for it is all alive; I mean Carlyle's French Revolution. He, unlike our modern writers, gives you a picture instead of a statement; the storming of the Bastile in the pages of Thiers, or Alison, or Scott, is a long past and wholly dead event — in Carlyle it is as living, as passing, as full of exciting interest as Sir Walter's own picture of the storming of Front de Bœuf's castle in Ivanhoe. Louis Tournay, with his axe hewing at the chain of the draw-bridge, is as real in the history, as the black knight with his battle-axe battering at the barbican is in the novel. There was another scene in that revolution, lightly touched on by most writers, but full of meaning; it was when the constitution was to be sworn to by all France, and the people of France, full of enthusiasm, took from the workmen who were preparing the field of Mars for the ceremony, their spades and barrows, and worked themselves like day-laborers; this scene, so full of character, so pointedly the result of that strange temper which then filled France, is by most slighted; but Carlyle gives it to us with all the freshness of the next day's newspaper; and thereby gives more insight into the spirit of the time, the feeling of

the people, than all the abstract disquisitions of a hundred historians.

And these writers are thus vivid and powerful, by what means? Merely by seeing and preserving from memory, in the cases of Boswell and Froissart, and in that of Carlyle, from the records and journals and memoirs of the day, those minute touches, those living traits, which more than all else bring a past scene home to us.

Now, gentlemen, the scant records of the west, are full of these minute touches, these living traits. We have published or unpublished the journals, memoirs, letters, autobiographies, of almost all the prominent men in western life thus far, and if these are collected and preserved, in a permanent form, the future historians of the west may have ample materials from which to write works that all will read with interest and pleasure and improvement. To collect and preserve these, gentlemen, should be, and I doubt not will be, one of your great objects. Let me only repeat, that minute, personal and seemingly unimportant events, acts, and ways should all be preserved — the most unimportant points to the actor, may become all-important to the recorder. The man sitting for his portrait is unconscious of the beam of light that is reflected from his eye, and yet, without that beam of light, the painter could never make the eye living; and so the very thing which gives life to the picture of an event, may have been, in the event, the smallest trifle.

When Clarke's troops were marching to the conquest of St. Vincent, up to their arm-pits in water, the wilderness about them, battle before them, and starvation behind, few perhaps could even look up at the little drummer, who, seated upon his drum-head, floated along among them — and yet, that slight circumstance, preserved in Bowman's journal, gives a vividness to the scene, which nothing else could. Or had we merely known that Clarke besieged the fort when he reached it, and sent in a summons, and so on, there had been little life in the fact; but when we learn that the British com-

mander, Hamilton, and his prisoner, Captain Helm, were brewing a mug of apple-toddy together by the fireside, and suddenly a rifle cracked, and the clay mortar from the chimney-top came rattling into the mug, and Helm jumped up and said, it was Clarke, and that he did it to spoil his drink, and he'd have them all prisoners, and Hamilton asked "if he was a merciful man"—we have living flesh and blood, not dead events, to deal with: and yet, this mug of toddy, and these exclamations must have seemed at that moment small matters, scarce worth noting.

When Kenton was taken by the Indians in 1779, his comrade, Montgomery, was killed, and he observed as he came from his night quarters, his friend's scalp drying upon a hoop by a wigwam door, it was to him a slight point; but to me that drying scalp reveals a picture; the hut amid the forest, the morning sun, the birds and flowers, and all the thousand common things throng in at the mention of it, and I stand where Kenton stood.

Seeing that such is the case, do not, gentlemen, in your collection, fail to place all details, however insignificant. What to us is unmeaning, to those that come after us may be full of meaning. A point of costume, a woodland frontier habit of life, a form of speech, any single fact familiar and useless to us, may, by and by, become all-important—the key to a revelation. You may read an account of a Russian dinner-party, and carry away a most barren idea of it, and of the people, but if the writer mention a familiar thing to him, that before dinner, as a whet, they took raw turnips and brandy, you have something that is distinctive. If a western man of old had told us of his life and doings, and had omitted the grating of corn on the tin lanthern, he would have failed to give one of the most marked features of the household.

And, though of volumes of such details, no more than here and there a line may be of use to the future historian, we know not which those lines may be, and must send down to him

the whole, or run the risk of losing the very words which he wants. From many hundreds of volumes, Carlyle has drawn his three, but those he never could have written had not the hundreds been in existence.

To you, gentlemen, it is committed to be the great agent, in drawing together and preserving those documents and accounts wherein the life of western history lies hidden. Something has been done, but much more remains to be done. The journal of the first Englishman of whose visit to Ohio we have any account, Christopher Gist, still sleeps in manuscript, and till Sparks, in the course of his enquiries respecting Washington, by accident came upon it, it was not known even that it was in existence. This journal Chas. Fenton Mercer, Esq., of Virginia, in whose hands it is, has been kind enough to promise for publication, and next year I hope you may have it among your records. Indeed, it would be well, could you have a full account among your archives, of that old Ohio company, whose agent Gist was. Of this company, scarce any thing was known, until Mr. Sparks' researches. But little, in truth, is known even now; and of the other great land companies of those days, the Walpole company, the Vandalia company, and the Indiana company, still less is to be learned; and yet, a full knowledge of them is essential, to any complete history of the west while under British power.

Coming lower down, how incomplete our knowledge of the frontier wars, and those that waged them; the very position of the Indian towns in this state, is doubted and disputed. Then as to the settlements in Ohio, Symmes' letters and journals are still in manuscript; the writings relative to the Marietta colony are unpublished; and volumes upon volumes lie unwritten in the brains of those still living, and all about us.

And this leads me, gentlemen, to speak of the necessity which exists for preserving the true traits, no less than the living traits of the past; a history which gives us men and

movement will rouse and interest all, but it must be history, not fiction; true, not false.

When we were at school, we read of Romulus, and Remus, and Fatius, the Sabine King, and Numa, with his mysterious adviser, as of those that had been, — but the German critic, with his searching eye and unflinching hand, has cut away these beings and their acts from the living body of Roman history, as being warts and excresences, fables, and not truths. In like manner, Grecian, yes, German and British history must be freed from falsehood. And though we may regret that we have come to see that such things are false, we shall not hesitate, seeing that, to reject them: the human mind will not receive a lie for a truth; as a picture of the truth we may look at it, as the Briton looks on the theatrical image of his king with pleasure; but let the lie seek to usurp truth's place, let a pretender to the throne itself come up, and every honest hand and heart is against him.

In our history we have no fables akin to those which have, mistletoe-like, taken root on every branch of the annals of the old world; but we have, gentlemen, errors and misstatements not a few to look after.

The story of Fernando de Soto, who is said to have discovered the Mississippi in 1541, has been of late brought into notice by Bancroft, the most finished and pleasing of all writers upon American history; and one of the Irving family has published two good sized volumes, giving all the details of De Soto's course; and yet there is great reason to think that a large part of that traveler's adventures were but the inventions of Garcilaso de la Vega, and his other chroniclers. Mr. Sparks, one of our most thorough and learned historical scholars, assured me that an examination of the whole matter convinced him it was mostly fable. The results of his examination he is about to publish in his American biography. So much for the first visitor to our great river.

The next traveler to the west, Marquette, deserves full faith; but when we come to the great enterprise of La Salle, a man

who was second, says John Q. Adams, only to Columbus for perseverance, courage, energy, farsightedness, — when we come to him we have the most meagre record that can well be, though two volumes were published soon after his death, which have been received as genuine, and even in our national diplomacy, made the basis of claims.

One of these volumes was written by Louis Hennepin, a Franciscan monk; he was with La Salle, and was sent by him from Fort Crevecoeur, upon the Illinois river, to explore the sources of the Mississippi; he was gone upon this mission about a year, and then returned to France, where he published a volume dedicated to Louis XIV., and called his "Louisiana," because he so named in honor of his king, the great country which he had discovered in the west. In this volume, he gave an account of his trip down the Illinois, and up the Mississippi as high as the falls of St. Anthony, which he also named, in honor of St. Anthony of Padua; he stated that he had been taken by the Indians, and had been retained as a prisoner among them for many months. This volume he published in 1683, and very soon after its publication, La Salle returned to France, having, in April, 1683, gone down the Mississippi to its mouth. For some cause, La Salle and Hennepin did not agree; probably because the latter spread it abroad, that he had in fact gone *down* when directed to go up the great river, and had discovered its mouth three years before La Salle. At any rate, Hennepin finally left France and went to Holland, where, after fourteen years, that is, in 1697, after La Salle's death, he published another volume dedicated to King William of England, in which he gave the journal of his trip *down* the Mississippi in 1680, with the reasons why it had not been published before, — which were, that he went against orders, and was afraid of La Salle. The authenticity of this journal has been always doubted, and yet it has been copied and re-published by our antiquarian societies, and never wholly disproved so far as I know. During the past summer, I was led to

look into this matter, and to compare the first with the second published journal, believing that discrepancies must exist, if the last were fable. At first I took the English translation of the second work, and upon reading it, found it there stated that upon the last day of February, 1680, Hennepin and his companions started to go down the Illinois; that upon the 7th of March, they were close to its mouth, that the ice in the Mississippi detained them until the 12th of March, when they entered that great river; then came the journal of the passage down the river, prefaced by a statement why it had not been published before, — after which we have the events of the 8th, 9th, 10th and 11th of March, during which days he says he was sailing down the Mississippi, though just before he had said he was ice-bound in the Illinois until the 12th. This looked suspicious. I read on, and followed him to the mouth of the river, from which he started upon his upward passage again, on the 1st of April; upon the 9th he reached the Arkansas, and then his journal gives us accounts of the Indians, and the rivers, and trees, and animals, etc. Following closely, however, I by and by came to another date, that of his captivity, when he was 150 leagues above the Illinois: and what do you think that date was? the 12th of April: — upon the 9th he reached the Arkansas, and on the morning of the 12th, was at least one thousand miles above it, having paddled a canoe up the Mississippi at the rate of seventeen miles an hour, for sixty successive hours! This was so monstrous, I thought there must be some error in the translation; so I got the original French edition, and found it in all points the same; I even looked up a second and corrected French edition, but found no change. I then procured a copy of the "Louisiana," the first work published; there I found the same journal which made up the greater part of the volume which I had examined; I found the same account of his leaving Fort Crevecoeur, the fact of his nearly reaching the Mississippi upon the 7th of March, and that he was there ice-bound till the 12th. Then came

the journey up the river, and upon the 12th of April, he had gone one hundred and fifty leagues, five leagues a day, a fair day's journey in a canoe, where the object was to make discoveries, rather than headway; and then comes his capture. And into the midst of this consistent and probably true account our reverend narrator dares to interpolate another by which he performs the wonders already narrated. My next inquiry was, as to the source whence Hennepin drew the names, etc. of his forged journal, for so I considered it. To learn this, I examined the journal published in the same year that Hennepin's was, 1697, and professedly written by Fonti, La Salle's lieutenant. Upon comparing this with Hennepin's, I found the most curious coincidences; for instance, La Salle visited an Indian village near the Ohio, in 1683, and the inhabitants could not be found? Hennepin says, that in 1680 he visited the place, and the inhabitants could not be found. Again, in '83, La Salle came to a deserted town, and entering it, found dead bodies there, there having just been a battle. Hennepin, three years before says that he visited this place, and it was deserted, but entering it, he found dead bodies there, for there had just been a battle: and so on. There is not a nation named, nor an important fact given by Hennepin, that is not given by Fonti. Taking all these things together, I could not but consider the want of authenticity in Hennepin as demonstrated.

Finding it so clear that men had taken this writer without cross-questioning, I determined to look closer at Fonti's journal. This journal was, many years since, re-published by the New York Historical Society, as genuine; and what was much more in its favor, John Q. Adams and Mr. Jefferson, at different times, relied upon it in their correspondence with the Spanish ministers relative to our western claims. I found that Charlevoix called it a mere fiction, but his objections seemed to me without weight, and the most important of them, I found to be a mistake of his own; so that I thought little of what he said. At last, however, in an old book of

travels, I found a reference to two distinct denials by Fonti himself, that he wrote the volume in question: one of these is given by Charlevoix, who says it was made to Ibberville, from whose letter he probably quoted; the other is found recorded in a letter written in 1712, by Marrest, one of the founders of Kaskaskia, who says Fonti directly denied the volume to him.

I cite these cases, gentlemen, to show how much is to be done by you toward ascertaining the true records of western history, for these lie at the outset, on the threshold. Next to them we have La Salle's third voyage; and of this Hennepin gave a second-hand account, which has been copied by writers as genuine, though in some respects, it differs entirely from that given by Joutel; who was with La Salle, and upon whom we have every reason to rely. To Joutel's work I have seen but a single reference by a western writer, and he despatches his volume in six or eight lines. With regard to the settlements at Kaskaskia, Cahokia and Vincennes, also, we have error upon error in our works. For instance, Volney says Vincennes was settled in 1735, and Bishop Brute dates it back to 1700: but Vivier, who wrote from Illinois in 1750, and who names all the western settlements, says nothing of St. Vincents; Charlevoix, who went through the west about 1725, makes no mention of it in his text or on his map; and in a volume of memoirs upon the west, printed in Paris in 1753, though the Wabash is described, nothing is said of St. Vincents, or any place upon that river; but in a pamphlet of 1755, we find an account of the settlement of St. Vincents, in 1750 and 1754, in which last year, three hundred families went there. And had I time, gentlemen, I might refer you to errors of more or less importance in almost every writer upon western history. It is true, these dates may seem unimportant, and in themselves they are; but when we find a writer erring in dates, we soon begin to fear he will err in facts, and one falsehood, intentional or unintentional, in a history, is a disease or a malformation in a living body, and

is important for the very reason that history should be alive and not dead. Chronology is but a naked skeleton, but if the bones be awry, the muscles and movement will be awry. It is a good test that a history is full of living spirit, that where dates are tangled, and facts uncertain, it becomes lame and ugly:—you can cover a wooden clothes horse with the stuffed skin of a lion, and make it look decent, but only the lion's own bones can be covered with his living muscles.

Be it part of your labor, then, gentlemen, to give certainty to the facts of our western annals; let works be critically scanned by you, and results carefully embodied; so that when, in the fulness of time, a man comes gifted from on high with power to raise this dead past, and make it march again, he may find for him those minute facts that he will want, those little traits without which his power will be vain;—and also the great skeleton, whole and perfect as may be.

I have thus, gentlemen, briefly and feebly set forth what I regard as two of the great objects of your society; the preservation of the minute details, the anecdotes and incidents, and illustrations of western history; and next, the ascertainment of the undoubted truth so far as that can be done.

But some may ask, why all this labor? It would be answer enough, I think, to say that man takes pleasure in recalling past life. The purest utilitarian contends but for the pursuit of what will give pleasure,—and true history will do this, and do it better than many things that are now sought ravenously. But I am not content with what will give pleasure merely; and so I say, that to look at man as he has been, may help to purify, raise and encourage us. When the renegade Girty gave every energy to the defence of his old friend Kenton, he did that which not only ennobled him for the time, but which may ennoble us too; may make us think better of the criminal, and hope for more from the fallen. When Kenton fell upon the neck of the man whom he thought he had killed, and wept to find that he was not a murderer, he showed that a deep sense of right was acting

within him, which may often bring us comfort when we doubt if man have such a sense. When Harrison gave his horse up to the wounded British officer after the battle of the Thames, he gave us an example of mercy and manliness that may help every one of us in every week's experience.

But the history of a country is not the account of its men alone, but of *it* also: of it as a great social and political being, having a life of its own. Now the principle of life in the west, and in Ohio emphatically, is self-rule; nowhere had this principle as the central one of the social and political unity called a state or people, been seen fully acting until Ohio was settled. In the old world, self-rule, political and social, unembarrassed by feudal or servile habits of life, has not been seen to this day; and in all our Atlantic states, more or less of the feudal spirit was ever found before the revolution, nor are its marks yet gone; and through the whole south, the servile element prevented the full operation of the principle of self-rule: no man that governs others as a lord, can be, socially speaking, what he is who governs none but himself; other faculties, other wishes, other views are brought out in the hereditary lord from those which come forth in the merely independent man. In Ohio, then, was first founded a nearly true democratic community; here men were from the first, socially equal compared with the older states; here were none of those many habits which first arose in feudal times; the habit of looking up to some family or place, of following the opinions of the man springing from that family, or holding that place; of going on in certain beaten tracks of thought, action, feeling, — all these things were not; and the slight political differences made by the ordinances, left no permanent mark. So that I do not doubt that Ohio, when she became a state, was the truest democracy which had yet existed. How deeply interesting then, the record of her life as a state; — for it is a record of men uniting on a new central principle to form a living people; and every fact, every law, every demonstration of public feeling, every change of public

opinion, in short, every exhibition of the living force which is carrying this state, Ohio, on to good or evil, is of the deepest interest, the last importance. We know not the value of these things, their very nearness hides their proportion to our eye, and great and small seem alike, — we do not see the circumference and scope of any thing. But, by and by, the proportions and relations of these things will be seen, and it should be our wish and aim to transmit to the future, true records of what has been, and daily is; of the founders of our state, — the strong, blunt Putnam, — the hopeful, rash Symmes; of the resistance of our people to the United States Bank in former days, of their acquiescence in the judgment of the United States Supreme Court; of the abolition excitement; the riots at Cincinnati in 1836; the demand for Mahan; the change of political parties from last to this year; — in short, of every fact which goes to show the progress or regress of this self-ruling people, the rise or decline of the democratic principles. We cannot keep it too much in mind, gentlemen, that the history of this American Union will, some centuries hence, be, in all probability, the text-book of statesman and political speculator; the whole European world is moving toward self-government, and as each passes from the state of tutilage to that of self-control, it will turn its eyes to us, and will ask how we sped; let us be willing to lay by from year to year our mite of knowledge and experience for their benefit. And let us not trust to newspapers to carry the record of facts to the future, but may each year add to your files, gentlemen, written accounts of whatever acts and public events of interest and importance have taken place within the year. In times of great excitement, we have memoirs and journals, and memoranda enough, it is when peace, and plenty, and quiet are about us, that individuals cease to note the signs and changes, and the year passes by silently, leaving no warning or cheering voice for the future.

But, gentlemen, history is not written only to give us pleasure, or to place before us instances of excellence, or to

teach political and social lessons to us and our followers; it has an office higher than any or all of these,—for it reveals the ways of God in the direction of human affairs; rightly considered, history is the record of a revelation. It is true, that in the events of this year, or this century, we may trace His hand but slightly, but when a few centuries are gone, the chaos will become order, and in the far-reaching, ever-heaving mass of human affairs,—as in the wild and tumultuous thunder clouds which have rolled past us, the bow of the Almighty will be seen. A being that should watch the weather from day to day, and live but a few spring weeks, might well doubt if any father's hand guided it, and adapted it to man's want; heat and cold, wet and dry, the clear sky and the sweeping storm succeed each other without visible law or purpose; and yet the whole year shows us the seed-time and harvest, summer and winter, each coming in its season, and all working together for the good of man. And we, in the great social year of the world, are living but a few spring days or hours;—the spring of that year came when Christ came; there have been bitter March winds since, and drowning April showers, and even yet there is but here and there a violet or anemone peeping up;—but that year will roll on and perfect itself in due time: let it be our task to record the phenomena of our day,—confident that they will all tell our followers of their Almighty Father. At present we look too much in history, to second causes; unable, as we are, to explain the great mystery of human will and divine guidance, we turn our eyes from the divine guidance; and history, instead of revealing, hides the hand of God. But I would urge it upon every christian man to consider this matter well; we need in this country to use every means whereby to preserve reverence, for if that fail, freedom will be soon dead. By our holidays, which should be in truth *holy* days, and on which the virtues and nobleness of our great predecessors should be kept before us as incitements to veneration—and the care of God be dwelt on for the same

end; by the facts of such a life as that of Washington, whose time of birth, whose education, whose physical, intellectual, moral, economical, political and sectional position, all fitted him for his place, — as clearly as the formation of the eye fits it for seeing; by the great mysteries of His rule, as seen in the whole course of past time; by these and every means, let us inculcate reverence, — reverence for God, for truth, for purity.

Each of us has his sphere, and in that sphere, however humble, may be a teacher; — and acting one with another, we may be teachers also, of the highest truths. You, gentlemen, have chosen a foremost post in this great work of education; you stand before the world, not merely as the collectors of annals, the chroniclers of events, the recorders of dates; you are more than this, — you are, little as most of us heed it, ministers of the Most High, recorders of His perpetual revelation. Keep this in mind, and amid the roll of business and the shouts of political parties, and religious sects; amid the sneers of the worldly, and the taunts of the ignorant, you may go calmly on in a spirit of truth, love and faith, noting down those varying events which, in spite of man's evil passions, mark Him without whom "not a sparrow falleth to the ground."

AN ESSAY

ON THE ORIGIN AND PROGRESS OF POLITICAL COMMUNITIES, DELIVERED BEFORE THE HISTORICAL AND PHILOSOPHICAL SOCIETY OF OHIO, DECEMBER 22, 1837 — BY JAMES T. WORTHINGTON.

GENTLEMEN, OF THE HISTORICAL AND PHILOSOPHICAL SOCIETY:— To trace the progress of communities of men, from their small and feeble beginnings, to those vast combinations of power and science which have overshadowed the globe — to develop their secret springs of action — the causes of their prosperity and decline — and thence to derive lessons for the guidance of states which are running the same career; these teachings are the province of history alone.

Her periods, compared with the spaces of time indicated to the geologist by the records of the earth's surface, dwindle into insignificance; and even, when closely scanned, bear not that proportion to man's brief existence which her crowded pages would at first seem to indicate. The united ages of three-score individuals, not greatly advanced in years, would reach back to the earliest authentic history of the oldest nations of antiquity. Yet, within that brief space are crowded the fate of vast empires, nay, whole races of men, who, obeying the universal law of *progress*, which marks the works of the Creator subject to human observation, have successfully rolled onward in their course — ever varying, yet ever substantially the same — of advancement and decay.

It is but too common to neglect and undervalue the lessons of history, under the erroneous impression that the political form of the government under which we live is so different from any heretofore existing; that conclusions drawn from the annals of other nations, and particularly of nations removed by any considerable time or space, are false and delusive.

To the attentive student of history, however, the popular customs and spirit of society among some nations of very remote antiquity, will present a closer parallel to our own, than any now in existence. In the account given by Xenophon of the retreat of the ten thousand, we find the Grecian leader, whenever any important step is to be taken, appealing for decision to the popular voice, in a manner much more resembling the usages of our own country, than those of the European nations from which we derive our ancestry. Similar analogies may be found, during the periods of republican ascendancy, in other of the Grecian states, and in Rome.

In fact, the great leading principles which operate upon men, as members of political communities, and which are appealed to, to preserve the coherence of political masses, are few in number, and every where essentially the same, although infinitely varied in their combinations and results;—the chief and absorbing ones being liberty, religion, and honor, or the love of personal distinction.

These three great spirits have, from time immemorial, "moved upon the face of the waters," and directed the course and elevation of each succeeding wave of human population.

By attentive consideration of the operation of these, the chief causes of political action, we may draw useful lessons from all past time, and learn the tendency of agents now at work amongst us, to be identically the same they were thousands of years ago, subject however, to that great law of progression, to which man, as well as the other works of God, is subject, in his moral and intellectual, as well as physical condition.

It is the object of this essay, to endeavor, from the pages of history, to develop the operation of this law of progress, in relation to the three great motives of political action to which I have adverted. In performing this task, it shall be my study to avoid drawing conclusions which are not entirely sustained by authentic history, convinced that this mode,

although liable to the objection of leaving voids in the connections I seek to sustain, is far better than the substitution of theories not fully established by historical facts.

And first I would observe, as an evidence of the controlling power of these principles, that the wild and frantic excesses, inducing crime, and misery, and bloodshed, into which communities of men, in all stages of civilization, from the rudest to the most polished, and under all forms of government, from the most free to the most despotic, have been precipitated, have uniformly arisen from the over action of one or the other of them, and the debasement and decay of states, have as uniformly been produced by the want of due activity in the same principles.

Let me be understood, also, as speaking of their political tendency — their influence upon *masses* of men. I wish to examine the operation, for example, of the sentiments implanted by our Creator, which leads us to reverence and adore Him, and the form of government to which it tends, as it is exhibited in history, when used as an engine of state, for swaying the minds and wills of men, and securing their allegiance to their rulers. In the same sense I wish to be understood, when speaking of the influence of the principles of liberty and personal honor, in banding men together in the support of their government.

The want of attention to the distinction between the principle of action, and the form it has assumed, when used by power to accomplish its purposes, has led men of great acquirements and philosophical minds, into grave and dangerous errors. The religious sentiment, when left free to act always tend to purify our nature from evil, by elevating our thoughts and aspirations to a pure and perfect Being. It is, indeed, the only one of these sentiments which can exist independent of society, though eminently social in its tendency. Its universal existence in man, whatever may be his social condition, has been called in question by a few; yet all the records of history confirm the individual experience of

us all, that it is a sentiment innate, indestructable and universal. It is neither the discovery of the civilised man, to which the savage is a stranger, nor an error of the savage, from which the civilised man can free himself. Yet must we distinguish this sentiment — the basis of religion — from the forms it has assumed, for it cannot be denied that the greatest crimes ever perpetrated by man against the laws of God, have been reduced to a system, and enforced as duties, when bold, bad men used religion as an engine of state, and dictated to their fellow creatures in the name of their Creator.

The most ferocious destruction of human life — the most disgusting obscenities — the most daring violations of sacred obligations — have all sought its holy sanctions. We need only look to what India is now, and what has been the history even of a great portion of the Christian world, to confirm these truths. The sentiments of liberty and honor have been equally abused and perverted, although they, too, are among the most precious gifts of our Creator, and, next to the religious feeling, the most powerful agents in man's moral and intellectual elevation.

Let us now endeavor to trace the progress of these sentiments, and the form they successfully assume in various stages of society, and, in doing this, let us carefully distinguish the periods at which certain forms first appear, from the claims to antiquity of innovators.

For it is a principle of our nature to reverence what has the venerable sanction of time, and those who introduce new doctrines, seek always the support of antiquity. The bonzes of China count their hundreds of thousands of years — the modern philosopher invests the earliest ages of society with subtleties he has himself invented; and the disciples of Mormon have their golden book of ancient times.

I have already expressed my conviction that the feeling of reverence for a superior Being is innate in man. This irrepressible sentiment, the germ of his future improvement,

is found even among the most barbarous tribes. Unable, however, in his ignorance and grossness, to comprehend a more elevated object of worship, the imagination of the savage invests a block of wood, a stone, a bunch of feathers, or some other material substance, with those powers which are at once the object of his dread and his desire, and pays his rude adoration to this his Manitoo. This, the first and most imperfect form of religious worship, is now found among the denizens of our own forests, and among the least civilised of the tribes of Africa.

This, and not that pure and spiritual worship of one Supreme Being, the ruler over all men, which fanciful philosophers have assumed as the religion of the savage, is the utmost elevation to which his faculties in their primitive condition can attain.

By degrees, as the ties of family become closer, the whole family adopt the Manitoo of their chief. One step has been taken, and an important one, in the social relations of men, and traces of this early form of religious worship are found, long after a higher and better religion has succeeded. We find them, not only in the *penates*, or household gods of Greece, and those described in Genesis as the property of Laban; but also in the banshee of Ireland, and the tutelary spirits presiding over families, such as gave a foundation for Walter Scott's beautiful and thrilling creations of the Bodach Glas, and the White Lady of Avenel.

In the progress of society one man is elevated to the dignity of chief, and his Manitoo, or after his death, his *shade* or *spirit*, becomes the Manitoo of his tribe or nation. Still, however, this worship is selfish, but a great advance is made by attaching the ideas of family and nations to a sentiment which, in its purity and freedom, elevates and ennobles all the feelings and relations with which it is connected.

The savage still supposes the Manitoo of his tribe to be hostile to all other tribes, and to the Manitoos of other tribes, of which however he recognizes the existence, though sup-

posing them to be malignantly disposed towards himself and his nation. This form of the religious sentiment, therefore, is still selfish and imperfect, though its sphere is enlarged. Commencing as we have seen with the fetish of the African, and the medicine-stone of the aboriginal American, the idol which guards over the individual alone, who holds it in possession, to the exclusion of all others, its sphere is extended, first, to those endearing ties of family, the first communities formed under the protection of household gods, and next, is interwoven with the feeling of patriotism or attachment to country and nation.

I do not assume that this is always the exact advance of the development of the religious sentiment, or that individuals among savage tribes may not have glimpses of a purer and better form of religion, than that which surrounds them. Yet the early history, even of those nations which are now most advanced in civilisation, and an impartial examination of those which now exist in a savage or barbarous state, will show that the advance of religious ideas, is almost always in exact proportion to the other powers of the mind, where religious colonies and missionaries have not intervened to accelerate its progress.

One remarkable exception, and one alone, we find in history. There has been one people, but little advanced beyond the shepherd state, which professed pure theism, and spread its light abroad among other nations far more advanced than themselves in civilisation. That people was the Jews, and the student of history will at once acknowledge, by comparing the religion they professed with that of other nations, in corresponding stages of general intelligence, that their advance, in this respect, is so great as to bear no analogy to any other.

We find, however, that the disproportion which existed between the pure theism professed by the Jews, and their imperfect civilisation, was the principal cause of the dissensions which agitated that people, and of the crimes which

crowd its annals. This is more particularly remarkable during the reign of her kings, even that portion which remained nominally faithful to the worship of their fathers.

After the separation of Israel and Judah, twenty kings reigned in Judah and Benjamin, and of these, fourteen were worshippers of idols; and, so far as we can learn, with the complete assent of the majority of their people. It was only when the Jews were captives in foreign lands, that they were faithful to their ancient worship, to which they were then true, even when their masters commanded them to serve strange gods. At other times, the grossness of ideas attendant upon their imperfect civilisation caused them to lapse into idolatry, and rendered them insensible to the precious deposit confided to them, of the most perfect form of religion then existing upon earth, and which they were to preserve for the regeneration of other ages and distant lands. Imperfectly as they understood and practiced their religion, they are, I repeat, the only nation which, in its early stages, professed pure theism; and those philosophers who would tear down the existing forms of religious worship, for the purpose of substituting, in their stead, the religion of the ruder stages of society, must first narrow the capacities of civilised men, and then render them selfish and brutal.

It is a common delusion, with the builders of theories, and was particularly so about the close of the last century, to suppose that the sentiment and practice of liberty are found in their greatest perfection in the savage state;—and this assumption is made by them, for the purpose of giving to their own imperfect notions of the operation of this noble principle, the sanction of former times. But here, also, the universal history of mankind will show that both usually advance with advancing civilisation.

The sentiment of liberty, as understood by the civilised man, is that feeling which prompts man to demand, and to submit to, an equality of rights with his fellow man;—being satisfied with no less, and demanding no more;—and to

require unrestrained freedom in all those pursuits which do not trench upon the well-being of others,—the best exposition extant being the declaration of American independence. This is the feeling as it exists in advanced civilisation—its first impulse is the gratification of the selfish wants and wishes of the individual, without regard to others, and this natural impulse is followed until man learns that his own happiness is best attained by consulting the good of others as well as his own.

In the savage state, man is the plaything of the elements which he has not learned to control, and the prey of wild beasts, which, in a more advanced state, he is destined to subdue. His animal wants, daily recurring and scantily supplied, control his will with a despotism which the most refined tyranny could not excel; and, to crown the whole, beyond the limits of his tribe, he meets an enemy everywhere in his fellow-savage. Thus, even his physical liberty, his freedom to roam at will, is constrained and controled, by the terror of death—the last and most dreadful alternative by which the sternest tyranny can enforce its decrees.

This is the first and earliest state in which man is described by authentic history. He is found in this state in the forests on our frontiers, and in the still ruder stages of society in New Holland, where he roams the woods like a beast of prey, without cultivating the earth, or subjugating domestic animals to his uses.

It is, therefore, a real step towards *liberty*, when communities first commence cultivating the earth, although almost always accompanied by domestic slavery. In the earlier stage, before the tillage of the earth, and the care of domestic animals have taught the value of labor, man sees in his fellow man a destroyer of the produce of the forest, the scanty field whence his means of existence are derived. No advantage, therefore, can be gained by making his enemy his captive, and the feelings of humanity are yet too weak to induce him to support an useless burden. But, as the value of labor in the

tillage of the earth and the rearing of domestic animals, and also the kindly feelings of humanity, advance with advancing society, captivity and domestic servitude, instead of death, are the lot of the vanquished.

As men congregate in larger masses, a whole tribe becomes the captives of another, and political servitude, the hard but necessary prelude to political liberty, is established.

If I am correct, then, in tracing the progress, in its first dawn, of the feeling which secures to man the blessings of rational liberty in a more advanced stage of society, it first subdues the savage impulse of destruction in man, by teaching him to introduce into his family, as a slave, the captive who, in earlier stages of society, is destroyed, and next impels him to secure and enlarge the liberty of his own tribe, by the subjugation of the tribes in his vicinity.

Low and feeble as these advances may seem, — unworthy as they may be of the state of which man is capable, — yet are they substantial gains upon the first stages of savage life; not, indeed, as seen in the fancies of poets and poetical philosophers, who seek the dim twilight of the rudest periods of society to display the pictures of their heated imaginations, but as they are uniformly exhibited by history, the teacher of philosophy by facts and examples.

The feeling which prompts men to seek honor and distinction, is not less imperfect in its earliest developments. It is, indeed, more nearly allied to self than either of the other feelings we have considered, and first developments are purely selfish, though it impels to society, where alone it can be gratified.

The savage exhibits his tawdry finery, and the sculls and scalps of the enemies he has slain, as emblems of his dignity, and disdains to associate any one, even his nearest relatives, in his imaginary honors. Though his wife be a slave, and his children and his tribe in poverty and wretchedness, this derogates nothing in his estimation of self, always the centre, and, in him, the limit of this feeling.

An instance in point is no doubt already familiar to many of my hearers. An Indian chief was recently invited to a public entertainment in one of our cities, where he was honored and feasted to his heart's content. After displaying his airs of importance to the admiring pale-faces, he left the table for a few minutes, procured from his host some broken food, which he dispensed, in the street, to his wife and children, who were allowed no nearer participation in his honors, and returned with great dignity, to resume his place. This is not an isolated instance, but a characteristic trait of savage manners, and will be recognised as such, by all who have observed them closely.

Family pride, is the next, and in some instances, perhaps the strongest from which this sentiment assumes. Beyond this, most of the nations of Europe have not advanced, though the sentiment of honor has, perhaps, been the leading element in combining together nearly all the existing communities of that continent. The glory of a long line of ancestors, the coat-of-arms of sixteen quarterings, are considered objects of sufficient importance to satisfy this sentiment in modern Europe, and we must look to ancient times, to see when this feeling took a wider range, and assumed a more noble and elevated form. "I am a Greek, and not a Barbarian," "I am a citizen of Rome." These are titles to which mere family distinctions appear low and mean. The yet more noble sentiment of the Roman dramatist, including the whole human race—"*Homo* sum et nihil humanum me alienum puto," was always hailed, when uttered in the theatres of ancient Rome, with shouts of applause;—an enthusiasm which a celebrated writer of England professes himself unable to understand, although he would have comprehended, without difficulty, the emotion produced by Chatham's celebrated appeal to the effigies of a long line of ancestors, depicted on the walls of the senate house.

I have endeavored to trace the usual progress of the three great motives of human action—religion, liberty and honor—

from their first appearance in communities, until the period when the history of a nation is usually first compiled by native writers. To give more clearness to my views, I have not considered the effects produced by several disturbing causes which frequently intervene — conquests, colonies, and other modes of contact between nations in different stages of civilisation. The limits of a single essay will not allow me to refer to examples, which history offers in abundance, of a most striking coincidence, in their modes of progression and the forms they assume — in nations at the same periods of advancement, even when separated by wide portions of time and space.

Commencing with a spirit of egotism which admits of no participation, they are gradually extended to embrace the relations of family and nation, or tribe; and then, for the first time, may political communities be considered as being established on a permanent and enduring basis. The elements of power and cohesion are now collected, and on their combination and direction, depend the happiness of man as a social being.

Let us now examine their usual progress and tendency. In the early stage of society we are now considering, those qualities of body and mind which fit men for the primitive occupations of war and hunting, or the lofty pretensions of the magician to penetrate into futurity and to work miracles, are what attract the admiration and awe of the rude and ignorant multitude. Solon, Lycurgus, Numa, are names of solitary law-givers, who appealed to the sense of liberty, and founded governments on the principles of justice and an equality of right, among any considerable number of the citizens, while we have hosts of conquerors and prophets, whose names have been deified as the founders of empires, and have established their own arbitrary will as the law.

It is a curious inquiry to ascertain which of these are usually the earliest in attaining power among nations in a barbarous state; and it will, perhaps, be found to depend rather

upon the circumstances of the state formed, than upon any regular order of progression. When formed under peaceful auspices, it is common for the priesthood, as the most learned and wise, to have the ascendancy, in the incipient state, even when its ultimate character is warlike. In the banding together of the western tribes of Indians, some thirty years ago, with the object of driving the white man to the east of the Ohio river, we are accustomed to regard, as the chief actor, Tecumseh — to whom the execution of the design was ultimately entrusted — yet, from the best information I can collect, I am induced to believe that his brother, the prophet, was the master-spirit who collected together, at a great religious festival, the chiefs of all the western tribes, from the inhabitants of the snow-clad mountains which overlook the sources of the Oregon, to the rude chivalry who hunt the buffalo on the boundless savannahs of Mexico and Texas. This may be, therefore, and probably is, one of the instances in which we have undervalued, (as we are apt to do,) the force of the religious sentiment in its grosser form, as an element of power among savages. When, however, a government is established amidst war and conquest, the principle of honor is the chief cement of power, and many nations have their fabulous Hercules for a founder, although the religious sentiment and the principles of liberty and justice are usually recognised, to some extent at least, among the members of a tribe which establishes its dominion over others.

The object of the tribe, however, is power; the model of honor is the warrior — the representative of power. To him, also, the feeling which prompts man, amid the horrors of war and conquest, to seek for happiness and justice, looks for protection; and when removed by death from the scene of action, the feeling of veneration admits him among the deities or demi-gods of his tribe.

The sentiment of honor, — sometimes predominant, sometimes subordinate, — enters into the composition of all human government. It is, however, important to consider its form

and tendency, as when operating as the controling power. It assumes that there are a few only, in every nation, capable of governing, and rallies the mass of a victorious tribe around a chief, whose wisdom and valor have shown him to be possessed of those qualities which fit him for supreme command. He, in turn, as the fountain of honor, selects from among his subjects, those whose talents and achievements, and attachment to his person, show them to be most efficient in sustaining his power, and the glory and strength of their nation.

The most perfect form this principle has ever assumed was, probably, the feudal system, established during the early chivalric ages, which succeeded the fall of the Roman empire. Its natural tendency is to a monarchy, or a military aristocracy. It is the most efficient and enduring engine of conquest ever employed by power, and is, therefore, always the governing principle of a warlike people, after the conquest of nations inferior to them in energy rather than in numbers. Then the whole race of conquerors constitute the various ranks of nobility. In our sense of the word, there is no people; and domestic or political slavery, or both, are the lot of the vanquished.

Traces of this are yet found in England, — the freest government of Europe, where, after a lapse of near a thousand years, the mass of the nobility derive their ancestry from the Norman conquerors. The same division existed in France up to the revolution of 1798, and the horrors of that bloody drama were greatly aggravated, by the fact that the ancient nobility claimed to be of a distinct race; and, in their palmy days, had boasted their descent from the conquering Franks, in distinction from the descendants of ancient Gauls and Italians, who constituted the *tiers etat* — the mass of the population.

It has already been observed, that the principle of honor is admirably calculated, as the basis of governments sustained by force. It is, therefore, suited to those conditions of society

where the jarring elements, produced by a union under one government of tribes differing in race, in language, in religion and in civilisation, can be reduced to order by force alone. When these elements of disorder exist, and have come into actual collision, appeals to religion and equal rights are of no avail, and nothing but a consciousness of power on the one part and weakness on the other, can produce peace and order; and out of peace and order alone, religion and liberty can grow and flourish. A government founded upon the principle of honor, requires the exclusion of the mass from participation in power, which is perpetuated, by hereditary descent, in the hands of the few, and sustained by the principle of honor in the governors, and fear in the governed. Force, however, is but a rude engine of power; and, with the advance of ideas in the mass, produced by peace and order, the defects of a form of government sustained by force are soon obvious.

The support of an aristocracy, in power and opulence, by the toil of a whole nation, is felt as a burden at once onerous and degrading; and the more so, after hereditary succession has transmitted the power of the state to individuals who are unequal to the task of government. A new power arises in the state, when the still, small voice of religion and justice is no longer drowned by the din of arms.

The representatives of the highest intellectual and moral power in the state are the priesthood. To them appeals are made,—sometimes by the governors—sometimes by the governed—sometimes by the rulers of contending nations, and often, without an effort on their part, they are raised to be the real arbiters of the destinies of states, even when the nominal power is in other hands.

Let us now examine the form and tendency of the sacerdotal government, when the religious sentiment is used for sustaining the temporal power of the priesthood, and we shall again find a remarkable coincidence in the tenets held and the

practices adopted, whatever may have been the form of religion and government.

It assumes that the object of the world, and of all created things, is the accomplishment of the divine will;—that all rulers are mere depositories of power derived from the gods, and have a right to the obedience of their fellow-men, only so far as they themselves obey the divine will;—and lastly, that the only true organs and interpreters of the divine will are the priesthood, who derive their authority either from direct inspiration, like the priestess of Apollo, or from being the only true and infallible expounders of sacred writings, as was claimed by the priesthood of the church of Rome.

The first of these assumptions appeals to a sentiment of our nature, the most universal as well as the most ennobling gift of our Creator, and its truth is, therefore, acknowledged by all.

The falsehood of the system lies in the concluding assumption, in one frail man assuming divine right to rule over his equals, and establishing, on a sentiment which is pure and holy, a system of fraud and imposture.

The tendency of an ecclesiastical government invested with supreme temporal command is obvious. It is based on absolute infallibility;—it admits of no compromise with the popular sentiment, which is repressed as unholy and profane. It can allow of no progress in intellect or morals, for that would be to condemn what preceded, and being in the hands of men frail and fallible like their fellows, and destitute of the wholesome restraint arising from responsibility to popular feeling, it soon produces a most shocking perversion of all ideas of right and wrong. It is needless to multiply instances from history of this tendency in ecclesiastical corporations invested with temporal power. Let us rather render them the justice, so often denied them, of saying that they have often been the refuge of the weak and oppressed, whom no other power could save; and that, while keeping the mass in darkness and ignorance, they have, among themselves, preserved and

increased the sum of human knowledge, as a light to lead to future improvement and happiness.

This is particularly true of the church of modern Rome, which, of all similar governments whose history has been recorded, has been productive of the most good and the least evil;—as would naturally be supposed, not only on account of its being based upon a purer and better form of religion than any other similar government, but also because the hierarchy is not based upon lineal descent, but upon free election, which allows all the dignities of the church, not excepting the *tiara* itself, to be borne by those who are selected as most worthy. It must also be remembered, that many of the ultra doctrines and measures of the church of Rome, have been checked and rebuked, by the intelligence and spirit of the enlightened people of that portion of the earth where it has, at all times, held but a divided empire.

Yet Rome has shown enough of the odious tendency of the system of rule which must exist, when frail and erring man assumes to govern his fellow men in the name of the omnipotent and all-wise Creator, to afford a pretext to the destructives of the eighteenth century for their doctrine, that the religious sentiment is itself inimical to the liberty and happiness of society.

A more injurious and false substitution of the *abuse of a principle*, for THE PRINCIPLE ITSELF, could not be made. The sentiment of reverence for an infinite and perfect Being, when enlightened and left free to act, teaches us that all men are equal in His sight; and it is only by doing violence to its holy promptings, that one man assumes to dictate, in the name of the Creator, to his fellow-creatures.

It is not, then, the absence of religion, which, because sometimes perverted, has been reviled as the handmaid of despotism, nor the introduction of a religion of state, and the elevation of the teachers of religion into places of temporal power, but the presence and action of this noble and elevating sentiment, combined with political and religious liberty,

which can produce and sustain the moral and intellectual advancement of our race.

And here I must express my regret that a Professor* of a College in one of our eastern cities, did recently, in an eloquent address to his pupils, impute it as a reproach to the government of this republic, that it interferes not in matters of religious opinion; and that he should consider the contest perilous between truth and error, because the mind is left free to choose. I could scarcely have conceived that these opinions were seriously entertained, in our age and country, had they not been enforced in the glowing language of sincerity and conviction.

To resume:—The tendency of ecclesiastical despotism is, more than any other, to render men base and cowardly. The force to subvert them is usually wanting at home; and, of all other governments, they have been most enduring. The monarchy, the republic, the empire, of Rome, with all their thrilling events, are crowded into a small space of time, compared with the endurance of her still-existing ecclesiastical government; and the same may be said of the comparative durability of the hierarchies of Egypt, and of southern Asia.

Their common fate is, to be destroyed by external force—sometimes by a handful of men, like those who overrun Mexico, Peru and Modern India, and gave the law to the timid and debased multitude.

But when the power of the priesthood had been thus destroyed, by the despotism of material force, nothing has been gained for the present, and but little for the future, to the mass of the population.

"An Amurath, an Amurath succeeds,"

and the only advantage, perhaps, is that the coarser engine of force is more easily broken, than the subtle power which enslaves the mind.

*Professor McVicar's address, delivered before the Alumni Columbia College, New York, Oct. 4, 1837.

It is only in rare revolutions, like that effected by the Protestant reformers of modern Europe, by which the minds of large masses of men are disenthralled, and taught to judge for themselves in matters of religion, that a real advance is made towards liberty and happiness. Such an advance is then perceptible, in a higher and wider range of the sentiments we are considering, although the forms of government should remain unaltered.

I have already remarked, how few are the governments, which have been originally founded on those principles of liberty and justice, which admit of an equality of rights among any considerable portion of the population. To explain this, we need only to consider how rarely, in human society, those conditions meet which render a government on such a basis practicable. A community of men, of the same race and language, deeply imbued with a common religion, of nearly equal and considerably advanced intelligence, in which both the divine and the hereditary right to rule are discarded, sufficiently armed with moral and physical force to keep invaders at bay, allowing only temporary depositories of power, and guarding with jealous vigilance against all its encroachments.

All these conditions are indispensable; no community has ever existed where two distinct races of men, differing either in physical structure or moral or intellectual elevation, have lived together on terms of equality; and the instinctive feelings of our nature, as well as the records of all past time, teach us that the preservation of liberty and equal rights to all, under such circumstances, is impossible. The other conditions, above named, are equally indispensable.

The celebrated Montesquieu, who, although far in advance of the age in which he wrote, had no existing example of a government based upon equal rights, assigns to a despotism, as a governing principle, fear; to a monarchy, honor; and to a republic, virtue;—the latter a term, perhaps, too indefinite, but making his high estimation of such a form of govern-

ment. The virtue pre-eminently necessary to establish and preserve a free government is justice. Her scales must be evenly and freely poised, or the basis of such a government is destroyed. The sword of the warrior may be thrown into one of the scales, and produce stability by pressing it to the earth; the fulcrum may be changed by fraud, so as to make a small portion outweigh the rest;— by both these means may permanency and stability be produced;— but liberty is equally destroyed. Cease we, then, to wonder how few have been the communities of men, where justice and an equality of rights have been recognized as the ruling principle, how imperfect has been the operation of this principle — even when nominally adopted as the basis of society — and how short its duration. In many it has been more partially recognized, but with great restrictions and many exceptions, and yet a corresponding advance has always taken place in the intellect and morals of society. Let us recognize, however, in the adoption of other principles of government, where a people have been happy and contented, an adaption of an imperfect form of polity where a more perfect one would be impracticable? For it is better that a form of government should be adapted to the condition of a people, than that it should be abstractly right.

It is also necessary that all the disturbing causes should, as far as possible, be removed, so that harmony and symmetry should prevail, and this in a republic is even more necessary than in other forms of government. Then the feeling of honor can have no legitimate objects, except such as are sanctioned by the people of the state, and the teacher of religion must be chosen by his fellow-men as one whose piety and learning, render him capable of instructing them in those doctrines which the unrestrained popular sense, recognizes as true and useful. The establishment of any particular creed or dogma — either directly, by the power of the government, or indirectly, by preference given to its professors—is alike corrupting and destructive of that freedom, without which a republic is but a disguised form of despotism

I have endeavored to consider, in their origin, progress, and developments, the most important of the principles which govern the action of man, considered as a social being. Unless we can understand the operation and connection of these, history is a mere barren recital of events, without order or consequence.

If the system I have sought to sustain be not entirely correct, or even consistent, in all its parts, let me hope, at least, that I have suggested some subjects for enquiry which are new and important in their bearings.

Systems, theories, pass away, but truth is eternal. It moulders not with the lapse of time; and, after the decay of the unsound portions of systems with which it is incorporated, it remains, to assume new and more beautiful forms, in other systems, founded on more accurate knowledge, produced by the constantly widening circle of human intelligence.

A

FRAGMENT

OF THE

EARLY HISTORY

OF

THE STATE OF OHIO.

BEING THE SUBSTANCE OF AN ADDRESS DELIVERED AT MARIETTA, ON THE FORTY-EIGHTH ANNIVERSARY, (9TH APRIL, 1836,) OF THE FIRST SETTLEMENT OF THE STATE; AND READ AT THE REQUEST OF THE CURATORS, BEFORE THE HISTORICAL AND PHILOSOPHICAL SOCIETY OF OHIO, AT THEIR ANNUAL MEETING, IN COLUMBUS, DECEMBER, MDCCCXXXVI.

BY ARIUS NYE.

TO THE READER.

The writer of the following paper feels constrained to propitiate the indulgent consideration of the reader, by apprising him that it was not written in the expectation of publication, and especially in this mode; that having been originally written for delivery as a public *address*, before a mixed assembly, it partakes, in the style of its composition and the arrangement of the parts, more of the character of such an *address*, and less of that of an historical memoir, than the writer could have wished, upon its appearance in its present place and form. And, although, at the request of the curators, and to supply the absence of the regular annual address, it was *read* before the *Historical and Philosophical Society of Ohio*, at their annual meeting, 1836, the state of his engagements and of his health, has prevented him, in *transcribing* for the press, now, from *recasting* the paper throughout, into the more appropriate form of an historical memoir. Still, however, it consists principally, of historical *facts;* for the accuracy of which, as being derived from the most authentic sources, in some instances living witnesses,—he feels and holds himself responsible. To save the trouble of *notes*, he has occasionally inserted explanations in brackets and parentheses.

Marietta, December, 1837.

ADDRESS.

Forty-eight years since, this day, (7th April, 1836,) at the spot which is now the town of *Marietta*, the Anglo-American first landed upon the north bank of the Ohio river; to find, here in the west, after the toils and privations of the war of independence, a *new country* and a *home*. *Here*, on the 7th day of April, A. D., 1788, the earth first received the impress of their footstep, and the vast forest, at whose verge they moored their boats, echoed the voice and resounded to the axe of the bold and hardy adventurers from the north-east. Here, first, did that resistless instrument, the *axe*, whose conquests were to subdue the almost boundless wild to the dominion of the civilised and christianised man, open a spot to the enlivening rays of the sun; for a place of habitation for themselves and their children, in a land previously devoted and consecrated, by a solemn national act, to the abode of freedom, guarantied and regulated by *law*. There, and at that time, was begun, by our fathers, the civil community which, under the eyes and observation of some of its surviving founders and early members, and in a short human life, has expanded into a powerful state, rivaling and transcending the states of their father-land in numbers, physical energy and strength.

There are still surviving, some, who, in the fulness of manhood, have witnessed the beginning, as "a small cloud, not bigger than a man's hand"—the progress, expansion, and the present greatness of this civil community; whose *name*, the noble river which washes and beautifies its extended border, will perpetuate till the wreck of all earthly and mortal elements.

Of the prominent events of this, our early history—a *sketch*

of which I am requested to essay before you; — there are those living among us, who might, in a qualified sense upon the narration of them, say—

"All *that* I *saw*, and part of which I *was*."

If, then, the untutored hand of an *early native*, in attempting a rough and (necessarily) hasty picture of the men and scenes associated with the recollections of *the day*, (the anniversary of the first settlement of Ohio,) should fail to give to them the life and spirit, the truth and fidelity which should be seen in such a picture, you may supply the deficiency, and draw from the *life*, from the men and scenes themselves.

By the fathers and pioneers of this land, the incipient state, — at a meeting of the directors and agents of the Ohio company, at "*Campus Martius*," Marietta, begun on the 3d day of December, 1788, — it was "resolved, That the *seventh day of April*, be forever considered as a day of *public festival*, in the territory of the Ohio company, as their settlements in this country commence on that day."

Let us, then, fulfil that intention, in grateful acknowledgment of the divine protection and goodness in the *past;* in thanksgiving for the bounty and beneficence of the *present*; and in humble invocation of His protection and guidance in the time to come.

If, with some license of the imagination, we might be allowed to suppose an acute and comprehensive observer, from a populous region of an older quarter of the earth; — familiar with the history, the arts, the manners, and the physical and moral characteristics of his own country, but comparatively ignorant of those of our own; — occupying a position from which he could take, with a *coup d'eil*, a view of the *state of Ohio, as it is*, we might imagine that he would *see* one of the finest portions of the globe, in a temperate zone, with a medium climate between tropical heat and northern cold; — having a territory of forty thousand square miles, or about twenty-five millions of acres of surface; lying in a compact

form, without mountain, or desert, or waste land; and yet, withal, its surface so undulated and varied, into hill and dale, river, valleys, elevated table lands, prairies, and natural meadows, as to present almost every desirable variety of surface and soil; and so diversified as, at once, to beautify its aspect to the eye, and to stimulate and reward the industry of its inhabitants; enjoying such general fertility of soil, and alternation of seasons and temperature, as to give growth and maturity to the greatest number of the most valuable products of the earth, and health, activity and vigor to its people. He would see it furnished by nature, with forests of various sorts of timber, adorning and beautifying the portions which the axe and the plough have not subdued, while they supply the most abundant materials for habitations and the arts. He would see, in the physical structure and position of parts of this region, indications of mineral resources and wealth, encouraging, promoting, and rewarding the industry and enterprise of a people, without unduly exciting their cupidity and introducing extravagant adventure, vicious indulgence, and the extremes of luxury and poverty; and, in other portions, equivalent, though varied circumstances of formation and of soil, with their correspondent benefits. We might imagine his eye to trace the meandering of the noble river which the red man of the native wilds, the European, and the American unite in calling "*the beautiful river*;" and which forms the eastern and southern border of the state for near five hundred miles;—and should he not find there the bold and mountainous scenery, the impassable cataracts, the rapid currents, of his own or other countries, he would perceive, in its mild and equable flow, a facility, almost unequaled for transporting upon its surface, the rich and immense products of the soil and the commodities of the commerce of the countries whose waters it conducts to the "fathers of rivers," and to the great southern outlet, the Gulf of Mexico; and he might be equally surprised and delighted to witness the *steamer*, moving upon its current, as it were "instinct

with" and "walking the water as a thing of life," by means of an all-conquering and almost invisible agent. Into this great natural thoroughfare would be seen descending its tributary rivers, and particularly the picturesque Muskingum, or "*Elk's Eye*," traversing a large portion of the state, conducting away the surplus water, opening channels of communication, and transport to and from its various ports, and affording the means of mechanical power for the various manufactures which the inhabitants may require.

On its northern border would be seen, an interior sea, or lake, of some hundred miles extent, washing a shore which is indented, at various points, with inlets and rivers, affording harbors for the vast commerce destined to float upon its bosom; connecting the trade of the northern section of the state with the great chain of American lakes, with the British possessions in northern America, with the artificial channels of outlet through New York, with the St. Lawrence, and through it, with the Atlantic ocean, and the whole world of navigation and commerce. And upon the west and northwest rivers, whose valleys, with the aids of artificial channels afford facilities for the transit of the products of their respective regions.

Inhabiting this fair portion of the earth, he would find twelve to fifteen hundred thousand people, speaking, generally, the English language, and the greater part of Anglo-American blood;—active, industrious, and enterprising: and among them, a general diffusion of intelligence—congregated in thriving and populous cities—rivaling in beauty and elegance the pride of other countries, in large, bustling, busy towns, or seeking the greater quiet, the natural as well as artificial beauties of the less pretending village—the rus in urbe—(an example of which might, possibly, catch his eye in the most attractive union of varied scenery of nature and art, of the place where we have assembled;) or, diffused over the vast surface of the country which they claim as their own—the *proprietors* of the soil which they till—upturning it with

the plough, in search of the true philosopher's stone; and finding their reward in the annual recurrence and prosecution of the pursuit. These, *all*, though as yet wanting in a considerable degree, the assimilation, the homogenious character of a more ancient and fixed people,—having *one* common and predominant characteristic impressed, as it might seem, and apparent, upon the aggregate moving mass and its several individuals—ACTION, in all the forms by which it is displayed by men in the pursuit of earthly good.

This people would be found in the enjoyment and exercise of political institutions, based upon the great principles of civil, social liberty, declared and recognised in a solemn compact, between the national Congress and all who should thereafter become inhabitants of their country; (ordinance of 1787;) and which guarantied to them the rights and securities of American citizens, before and at the moment of their entrance upon their new country and home. These principles and guaranties, it would be seen, their fathers and early founders had elaborated into a voluntary, written, organic law, or constitution of government; the product of their united deliberations and will; and the immediate source, as well as the limit of all valid authority in their government, whether in legislative, judicial, or executive action; thus framing and designing for themselves, their posterity and successors, *a rule of* LAW, to which all should "do homage—the very least as feeling her care, and the greatest as not exempted from her power."

Further and other elements of this social system would be seen in the existence of legal provisions for the common instruction of the children and youth of the land; in the schools, academies and colleges, founded by public authority or private munificence, to aid in higher attainments in intellectual and moral culture, and in the general diffusion of comfort, security, and the means of social enjoyment and improvement of its members. There might, also, attract the eye of the observer, in many sunny spots, rising towards the heavens, the christian temple, indicating the recognition of the christian faith, and of its obligations by this people.

This imagined observer might, moreover, be surprised and delighted to view that magnificent work of human wit and energy, the *Ohio canal:* an artificial river or channel, of more than three hundred miles length, uniting this same beautiful river Ohio at the south, and that internal sea or lake, on the north; winding its way from the southern shore of the latter, towards the south; rising and overcoming, as if by magic, a height of near two hundred feet above the level of the lake, five hundred above the Ohio, (at its termination, at the mouth of the Scioto,) and nearly a thousand above the tide-water in the Hudson; and, descending, passing in its course, rivers, valleys and plains, and the apparently insurmountable obstructions of natural objects, to the same *Ohio*, meeting and mingling with its waters, with those of the majestic Mississippi, the great southern gulf, the broad Atlantic ocean.

Thus might this *imagined observer* be supposed to *see*—a country, situated in one of the most forward and attractive regions of the earth; of more than two-thirds the territorial extent of England; more than twice as large as the hereditary dominions of the king of Prussia; already with a population nearly equal in numbers to that country at the commencement of the seven years' war; and capable of sustaining a population of *eight* to *ten millions* of people; with the means and elements of a great and powerful state, which might equal those of the second grade of Europe; whose political and social destiny must, under providence, be directed by the moral and social virtues which its people shall cultivate; and arrive, or be precipitated by the vices to which all states, the creations of humanity, have their peculiar tendencies. And over all this extended scene of nature and art, there is seen a *freshness*, so bright and vivid, that the handicraft of man upon it might seem but as of yesterday. What, then, it may be supposed, would be the first and eager inquiries of the *observer*, for the first time, whose eye we have, in imagination, followed in its rapid glance over the leading features of this scene,—rudely pictured, indeed, but

still bearing some resemblance to the original? What would *he* ask? What is the *history* of this people? *Whence* came they? How long have they occupied this land, and what time have they expended in these works of their creative energies? What memorials of their origin remain? They? They are of the present age: their history still exists in the living memory of the Nestors who survive the leaders and companions of their migration hither; and in written memorials of their first steps and early acts.

To *another* is committed for a passing *hour*, the honor of reciting their traditionary story: what *he* shall omit, or pass lightly, the *historian* of this little colony will supply, when he comes to record the acts and the time-honored name of the fathers of this land.

Some general historical facts are necessary to be recollected and understood, while we recall those more minute events which it is our business, this day, to freshen in memory and snatch from oblivion.

A war, of eight years, for national independence, which terminated but a few years before the events to be particularly referred to, had exhausted all the resources of those who survived its privations, its dangers, and its sacrifices, but their indomitable spirit and their courage. Families they had, most of them, who looked to them, — war-worn as they were, — for sustenance and protection. The government and the country, indeed, were indebted to them for services which *money* could not compensate, or duly reward, though it was necessary to their enjoyment of that independence and those rights for which they had fought, and bled, and suffered. But what was *then* the government? A mere confederation of independent states, which a common danger had united; the *resolves*, merely, of whose Congress, unregarded, and hence, wholly inefficient, were as ties to *unity* of *action*, little better than a rope of sand; without money and without credit, and destitute of the power to raise the one, and of the means to give being to the other — since it exerted no action upon

the people. *Hamilton* had not then spoken *national credit* into being, by giving application and efficiency to the public *faith*; and the demands of the revolutionary patriots upon the government, were valueless, except in western lands. And what was the condition of the country? Exhausted and borne down by the pressure of the war: its agriculture depressed, its commerce destroyed and crippled; while its people possessed but a limited measure of the arts of fabricating the products of their soil and mines into the subjects of trade and exchange: while many of the people, where the greatest sacrifices had been made, were, from this accumulation of evils, in that state of restiveness which gives rise to discontents and commotion. In this unpromising condition of things, the Congress of that day passed the ordinance of 1785, for a survey of a portion of the western lands, in the country north-west of the Ohio; her claim to which the state of Virginia, in the spirit of patriotism and union, had ceded to the confederated states, for their common benefit. At this time, the attention of some of the surviving officers of that heroic army, who had conquered for their country, under the lead of *Washington*, a place and a name among the nations of the earth, was turned to these then western wilds, to which they had been (actually) pointed, in the dark days of their revolutionary struggle, by the finger, and directed by the voice of their revered commander, as a last retreat: *here* to recruit their exhausted fortunes; here to find domestic comfort, personal independence and a *home* for the remnant of their days, and an abiding-place for their children; and here to plant the standard of the civilised and christianised man. Little, however, was known at that time of this promised land. The *Ohio*, indeed, whose banks presented to the eye the most luxuriant allusions, fringed with the beauties of its rich foliage, and variegated with the most attractive vernal and autumnal hues,— had been traversed, by the occasional emigrant of Kentucky; by the solitary adventurer to the outlet of the Mississippi; and by the patient, toiling,

French *voyageur*, in his perogue or barge,—slowly winding his way, in a voyage of months along its banks, to the old "*Fort Du Quesne*," (then *Pitt*,) thence again floating down its current. But the interior, to the north and west, was the hunting ground and the transient abode of the *red man* of the forest, whose occupation was the *chase*; his pastime *war:* who pursued the buffalo, the elk, the moose, the deer, upon their native grounds, with the bow and arrow, or the rifle, for the food supplied by their flesh, and the apparel and tented coverings by their skin; and who, lords of the forest, followed and subdued the bear in his den, the panther in his lair—save that, in the deep recesses of the wilds which skirted the Muskingum river, the Moravian christian missionary had, in by-gone days, opened some two or three small spots to the light of the sun; whence the voices of the red men, whom, in primitive spirit, he had sought out and taught, ascended to the "Great Spirit," now acknowledged and adored by them, that "light which shined from above," as their Almighty *Father* and *Saviour*."

In advance of the settlement of this great wilderness, thereafter to become vocal with the voice and the hum of millions of civilised men, a small military post, in the summer of 1785, was established on the lower point formed by the junction of the Muskingum with the Ohio river, by a part of the then first regiment of United States' troops, under the immediate command of Major *John Doughty*; which post received the name of "*Fort Harmar*," in honor of the chief military commander of the United States' troops at that time. This post, with others of like character, was designed to overawe and keep in check the Indians; several warlike tribes of whom inhabited the country; and to afford some security to those who should migrate hither. But the military force of the United States, at that time, was feeble in numbers, and, as after-events fatally proved, wholly inadequate to the command of the country, and the subjugation of the restive and hostile tribes; one of which, (to be mentioned hereafter,) had

become exasperated by an act of perfidy of some untamed white men, in the murder of their great chief and his son, who were detained as hostages at the mouth of the Great Kanawha. In the early part of the same year, (1785,) an attempt had been made, by a treaty at Fort McIntosh, to quiet the Delawares, Wyandots, Ottowas, and Chippewas; occupying the central, eastern, and northern portions of the north-western territory; which would probably have been successful in restraining those tribes from engaging in the subsequent war, but for the influence of the tribe, (the Shawanees,) first alluded to. Such was the condition of this country, at the time when its first settlement was about to commence.

At the period of which I am speaking, 1785, there resided in the western part of Massachusetts, in the village of Chesterfield, Hampshire county, General *Benjamin Tupper*, of the late revolutionary army; who, after the termination of the French war, (by the peace of 1763,) in which he had served as a subaltern, had removed to his then residence from the eastern part of the same state; and who had served, (in several grades, as a field officer,) throughout the war of independence. By the favor and friendship of General *Rufus Putnam*, of the county of Worcester, (more specially to be mentioned hereafter,) General *Tupper* was appointed, from the state of Massachusetts, a *surveyor*, under the geographer, or surveyor-general *Hutchins*, to commence the survey of the country north-west of the Ohio, under the ordinance of 1785: General Putnam, who was first proposed for that service, being then otherwise engaged. In the summer of that year General Tupper visited the western country; coming as far as Pittsburg. The restlessness and turbulence of *bands* of the north-western Indians, interrupted and deferred the execution of that work; which was afterwards begun with the *seven ranges*, east of the Muskingum. General Tupper returned from the west in the winter of 1785–6. From the time of his retiring from the revolutionary army, he had, frequently, among his family and friends, intimated his intention

to remove to the western country; so bold, however, at that time, seemed such an adventure, to those whom he addressed that he was scarcely deemed earnest in its proposal. His first visit to the country west of the Alleghany mountains, seems to have increased that inclination of his mind. Nothing, however, as yet, was definitely resolved.

To the village of Rutland, in the county of Worcester, Massachusetts, had retired, from the toils and conflicts of the revolutionary contest, another war-worn veteran, General *Rufus Putnam;* who had been distinguished for long-tried and important military services in that war. These two retired officers, Generals Tupper and Putnam, had, during their mutual service and intercourse in the Continental army, formed and connected an intimate and reciprocal personal friendship. After the return of the former from his first journey to the west, he visited his friend General Putnam, at his residence in Rutland. A night of friendly offices and conference between them, gave, at the dawn, a development, (how important in its results,) to the cherished hope and purpose of the visit of General Tupper. They united in a publication, which appeared in the public papers of New England, on the 25th of January of that year, (1786,) headed "*Information,*" dated at Rutland, Massachusetts, January 10th, 1786; signed — "Rufus Putnam — Benjamin Tupper;" a part of which is in these words: — "The subscribers take this method to in inform all *officers* and *soldiers*, who have served in the late war, and who are by a late ordinance of the Honorable Congress, to receive certain tracts of land in the *Ohio country;* and also, all other good citizens who wish to become adventurers in that delightful region, that from *personal inspection*, together with other incontestible evidences, they are fully satisfied, that the lands in that quarter are of a much better quality than any other known to New England people: that the climate, seasons, products, etc., are in fact equal to the most flattering accounts which have ever been published of them: that *being determined to become purcha-*

sers, and to *prosecute a settlement* in this country, and desirous of forming a *general association* with those who entertain the same ideas, they beg leave to propose the following plan, viz: That an association by the name of the OHIO COMPANY, be formed of all such as wish to become purchasers, etc., in that country, who reside in the commonwealth of Massachusetts only, or to extend to the inhabitants of other states, as shall be agreed on.

"That in order to bring such a company into existence, the subscribers propose, that all persons who wish to promote the scheme, should meet in their respective counties, at 10 o'clock A. M., on Wednesday, the 15th day of February, next; and that each county meeting there assembled, choose a delegate, or delegates, to meet at the Bunch-of-Grapes tavern, in Boston, on Wednesday, the first day of March next, at 10 o'clock, A. M., then and there to consider and determine upon a general plan of association for said company; which plan, covenant, or agreement, being published, any person, (under condition therein to be provided,) may, by subscribing his name, become a member of the company."

Here, then, begin to be answered the inquiries of our *observer;* here you may see the "small cloud," which has advanced and expanded, till it has, under Providence, showered blessings upon this western clime, in the "Ohio country;" the "grain of mustard-seed," which, in its growth, has overshadowed the land! There is *one* citizen of Ohio, now living, who heard the announcement, of the result of that conference, (in which important measures and events were first conceived,) from the lips of his venerated *father;* whose wise forecast and experienced eye, caught, even then, from the shadow of coming events, a glimpse of what is now, in the broad light of the day, revealed to our senses.

It belongs rather to the historian, or memorialist, than to the speaker of a fugitive address, to arrange and preserve, in detail, the more minute events, resolves, and doings of this *early*, as well as the later day of our history. I must pass

rapidly over them, lest, instead of entertaining, I should weary you. Did time, or my own ability, allow me to do otherwise, now, I could not expect to excite in others the interest that is *felt* by those most nearly related to and connected with them; and who have seen the same small *forts*, or *defenccs*, which protected our fathers and their families in a five-years Indian war, as they existed in that day; and who have witnessed in *this town*, [Marietta,] *now* of the *hither* west, the lofty port, the habits, the manners, and the carousel of the native man of these once unsubdued wilds.

The *address* of the two individuals, already named, who first moved the ball of emigration to the west, resulted in the proposed meeting, and in the formation of a company since known by the name given by these first proprietors. In the proceedings of that meeting, an inducement to the measure is stated in "the very pleasing description of the western country given by Generals Putnam and Tupper, and others." And it was said to be "expedient to form a settlement there." The second meeting of the company was at Boston, 8th March, 1787. Meantime events had occurred in Massachusetts of an important and alarming character; which, it may be presumed, contributed to increase the disposition in the New England states, to seek in the *west*, a new home. The discontents, which have been alluded to, had arisen in Massachusets, in the winter of 1786–7, to actual and fearful civil commotion; which precipitated itself in the insurrection headed by *Shays*. The most imposing and threatening movement of the people, engaged in which, headed by that leader, made upon the town of Springfield, where the public stores were deposited, was in that winter, repelled by a handful of brave men, volunteers on the side of the government and order, under the command of General Shepard, and more immediate direction of General Tupper, who had then just returned from a second journey to the western country, and whose immediate neighborhood was deeply infected with the sedition. Upon the occasion of the second journey of Gen-

eral Tupper to the west, in 1786, in the prosecution of the surveys of the seven ranges, and preceding the second meeting of the incipient Ohio company, he visited fort Harmar, and had an interview with Major *Doughty*, the commanding officer; a circumstance which probably attracted his attention to the mouth of the Muskingum river,—so beautiful in its natural scenery and attractive as the site of a town.

At the second meeting, in Boston, March 8th, 1787, of the Ohio company, *directors* were appointed, "with authority to make application to the Congress for a private purchase of lands, and under such descriptions as they should deem adequate to the purposes of the company." At a third meeting in Boston, August 29th, 1787, the the Rev'd. *Manassah Cutler*, who with the late Major Winthrop Sargeant, had been appointed to negotiate a purchase, reported a contract for the purchase, from the then government, of a tract of country, bordered on the *east* by the western boundary line of the seventh range: *south* by the Ohio river; *west* by a meridian line drawn through the western cape of the Great Kanawha river, and extending so far north that a due east and west line, from the seventh range of townships to the said meridian line, should include the lands which the company were to purchase; then estimated at a million and a half of acres, but afterwards reduced to less than a million. This contract was agreed to; and authority was given to close it with the Treasury board. At this meeting it was among other things, "*resolved*, That 5,600 acres of land, near the confluence of the Ohio and Muskingum rivers, should be reserved for a *city and commons;* (a quantity afterwards reduced to 4,000 acres;) with the reservation of certain squares for public uses. It may be mentioned here, though not in the order of time, that, at the first meeting of the directors, and agents of the company, on the banks of the Muskingum, which commenced on the second day of July, 1788, the following resolution was passed, "that the city near the confluence of the Ohio and Muskingum, be called MARIETTA: that the directors

write to the *Count Monsiriers*, informing him of their motives in naming the city, and requesting his opinion whether it would be advisable to present her majesty of France [Marie Antoinette] a public square.

At a meeting of the directors of the company, at Boston, on the twenty-third of November, 1787, it was ordered that four *surveyors*, attended by twenty-two men, and six boat builders, four house-carpenters, one blacksmith, and nine common workmen, should be employed, for the purpose of carrying previous resolutions, respecting the survey and settlement into effect. The boat-builders were to proceed on the next Monday; and the surveyors to rendezvous at Hartford, on the first day of January, on their way to the Muskingum. Of this company the implements and baggage were transported in the company's wagons, and the subsistence furnished by the company. Each man was to furnish himself with arms and ammunition. They were to be "under the orders of the *superintendant* in military commands," as well as in building boats, houses, etc., and all other service in promoting the settlement. The surveyors were Colonel *Eleazer Sproat*, of Rhode Island, Mr. *Anselm Tupper*, and *John Matthews*, from Massachusetts, and Colonel *R. J. Meigs*, from Connecticut. General *Rufus Putnam* was appointed the "superintendant of all the business aforesaid;" to whom, for the purposes of his appointment, 2100 Mexican dollars were to be paid. The meeting of the directors and agents of the company, was adjourned from Providence, Rhode Island, in March, 1788, to the settlement on the Muskingum river, on the first Wednesday of July, thereafter. With the company of laborers and artificers, General *Putnam* landed, in boats from the Monongahela, *at the confluence of the Muskingum with the Ohio river, on the seventh day of April*, 1788.

This event it is which is commemorated as the *beginning* of that inroad upon the great forest of the north-west, which was to make its fall, gradually before the axe of the hardy

adventurers from the north-east, and to open its recesses to the light and the vivifying influence of the sun, and its soil to the action of the plough. *Here* commenced, forty-eight years, (on the seventh of April, 1836,) by-gone, the *state of Ohio*, and here its history properly begins.

Inhabiting this country at the time of that adventurous landing, were various tribes and nations of Indians. These native sons of the forest were to be pacified or encountered by the colonists of this western world. They were men of fearful daring, and, in their own modes of warfare, of consummate skill. Scarcely had the woodman's axe laid open a small spot to the light of the sun, and provided habitations for the earlier emigrants, before the most forward and impatient among them, fell, like the sound of their war-whoop of terror in the ear, upon the exposed adventurers. When this first landing for permanent residence was made, there were no settlements of whites north-west of the Ohio, in the country now comprised in this state. Upon the Virginia shore, and below Pittsburg, there were a few small ports or settlements — at Charlestown, Wheeling, Belville, (thirty-five miles below Marietta,) and Point Pleasant, at the mouth of the great Kanawha — before you reached Limestone, in Kentucky. At Marietta, General Harmar occupied, with four companies of his regiment, the small fort, upon the lower point, formed by the Muskingum and Ohio, which bore his name. The first business of General *Putnam*, and those under his command, was to erect, or to begin places of defence and security; although, at that time, there were reasons to hope that the treaties which had been made with some of the tribes occupying the territory, and further negociations proffered by the government, would secure the quiet of the infant settlements. Of these places of defence and habitations the *stockade*, upon the spot which is still known by that name, was the principal. Designed and executed by men of military skill and experience, this, when completed, formed a very respectable and effective fortress against the

assaults of Indian missiles. Here, in the most trying times of the Indian war, were congregated the greater number of the families of the little colony. Here, in the seasons of intercourse rendered more free and reciprocal by the pressure of a common danger, were formed friendships and attachments, amongst the early emigrants, which were terminated and can only terminate with life. Besides Fort Harmar, there was, also, in this town, (Marietta,) a small place of protection, by means of palisades, at the upper "*Point*," in which a few families were collected. Before the actual outbreaking of the Indian war, settlements were commenced at various places in the vicinity of Marietta, upon the lands of the Ohio company. Some of these, at the occurrence of that event, were abandoned. A few facts will give a general view of that war, which ensued. Before the statement of these, however, some notice should be taken of the treaties which were made or attempted with the Indian nations north of the Ohio; and particularly of a fact, the occurrence of which, and its influence upon the conduct of a then powerful aboriginal nation, are not, perhaps, generally known.

At the period of which I speak, the *Shawanees* were a warlike and powerful tribe of Indians, occupying a considerable part of this country; particularly the plains of the *Scioto*, the *Maumee*, and the *Wabash*. *Cornstalk*, a distinguished sachem,—one of nature's noblemen,—was their principal chief. As early as the year 1777, during the war of the revolution, a coalition of the many tribes north-west of the Ohio, had been sometime forming, and the assent of the Shawanees alone, was wanting to its perfection. This distinguished chief was opposed to an alliance with the British, and anxious to preserve a friendly intercourse with the colonists. All his influence and energy were exerted to prevent his brethren from again involving themselves in a war with the whites; but his efforts were likely to be vain. "In the spring of 1777, *Cornstalk* visited Point Pleasant; he communicated to Captain *Arbuckle*, the commandant, the dispositions

of the Indians, and the danger that the Shawanees would be drawn into the prevailing warlike current. He was detained as a *hostage*. He gave to the officers of the post, information of the country occupied by the Indians: he delineated its geography, particularly the west of the Mississippi: while thus engaged, he heard the voice of his son, from the Ohio shore, calling to him. Uneasy at the long absence of the father, his son, *Ellinipsico*, had sought him, and found him in the American fort, for which he departed from his own lodge, the *friend* and *hostage* of the whiteman." Noble instances, these, of fidelity, friendship, and filial regard: in the father, of fidelity and friendship to the white man: in the son, of filial affection and reverence. Perfidiously was that fidelity and that affection and reverence rewarded. On the day after the arrival of *Ellinipsico*, and while he was in the garrison with his father, two hunters of the Virginia volunteers, crossed the Kanawha; one of these men was killed by some straggling Indians near the fort. Excited by this circumstance, the company to which he was attached, (Rockbridge volunteers,) raised the savage cry, "let us go and kill the Indians in the fort." "Pale with rage," with their captain at their head, they advanced to the execution of their horrid purpose. Remonstrance was in vain: though to their honor, it is recorded, that Captains *Arbuckle* and *Stewart*, their superiors, did remonstrate; and were answered by the cocking of the rifles of those who were to stain their bands with the blood of the confiding *hostages* from the red man. They approached the objects of their vengeance: *Ellinipsico* was agitated: the words of the chief bespoke a man worthy of a different fate. He encouraged and sustained the youth: "My son," he said, "the Great Spirit has seen fit that we should die together, and has sent you here to that end. It is his will, and let us submit; it is all for the best." The deed was done. The sire and the son fell by the balls of those who should *there* have protected them. (Wither's "Border Warfare.") And the Shawanees, their nation, exasperated

by this act of perfidy, of the white man, glutted their revenge in the succeeding wars, with the *rifle*, the *tomahawk*, and the *knife*, till, at the treaty of Greenville, their last noble warrior and orator *buried forever the hatchet* which had been fatally wielded against the white man.

The hostile feelings of the Shawanees was one of the obstacles to the general pacification of the tribes north-west of the Ohio.

On the 21st January, 1785, a treaty was made at Fort McIntosh, (below Pittsburg, on the Ohio,) with chiefs of the Wyandots, Delawares, Chippewas, and Ottawas, whereby they relinquished *their* rights to a considerable portion of Ohio, including this region. At a subsequent treaty of boundaries, etc., at the mouth of the Great Miami, 31st January, 1786, the Shawanees who were there assembled, "acknowledged the United States to be the sole and absolute sovereigns of all the territory" ceded to them by the treaty of Peace with Great Britain. After the settlement at Marietta had commenced, in 1788, Governor St. Clair, agent and commissioner of the United States, to treat with the north-western Indians, made efforts to induce all the tribes north-west of the Ohio, to treat with the government at Duncan's falls, on the Muskingum, nine miles below the site of Zanesville. The turbulent conduct of some of the Indians, and the loss of some two or three of his soldiers, who were shot by the Indians, in a drunken revel, induced him to change the treaty-ground to Fort Harmar. These efforts were commenced early in the season: the incident at Duncan's falls, here stated, occurred in June of that year. The friendly Indians attending the treaty, also removed to Marietta, where they encamped, and, for several months, hunted in the neighborhood. They were, principally, Delawares, Wyandots, Ottawas, and Chippewas, with some chiefs of the Pottawattamie and Sac nations. During this time, repeated efforts were made to bring in and induce to a treaty, the Shawanees and others who retained their hostility of feeling; but those efforts were unsuccessful.

A treaty, however, was made at Fort Harmar, by Governor St. Clair, on the 9th January, 1789, with those tribes and bands who were friendly; namely, those just mentioned, whereby the treaties and boundaries agreed to at Fort McIntosh, were renewed and confirmed. These efforts at pacification, were, notwithstanding, ineffectual. I have already suggested a cause why they were so with the most powerful and warlike nation in this region — the Shawanees. It remains a question to be discussed more minutely and carefully by the historian of these events, whether the then existing difficulties were not increased by the ill-judged and precipitate movement of a slender military force, under General Harmar, into the Indian country, especially that of the Shawanees and Miamis of the Scioto, the Maumee and the Wabash? Till that movement, the friendly tribes, further to the east and north, already named, had been disposed to be quiet and peaceable. They, by the influence of the more powerful tribes, were, ultimately, drawn into the *war* current.

The expedition of General Harmar into the Indian country, with its leading incidents, is well known to the historical reader. My present notice of it must be brief. The troops which were at Marietta, were withdrawn in 1790, to Fort Washington, (afterwards Cincinnati,) whence, in September of that year, he marched against the hostile Indians on the Scioto and Miamies, with three hundred and twenty regular troops: near Fort Hamilton, he was joined by militia from Pennsylvania and Kentucky, making his numbers fourteen hundred and fifty-three men. Near the old Chillicothe town, a detachment of two hundred men was met by the Indians and beaten. Another and larger detachment was sent out, of three hundred and sixty men. They encountered the enemy. A severe engagement cost the lives of Major *Wyllys*, Lieut. Frothingham, and fifty of the sixty regulars. The remnant of the detachment and the army of Harmar, retired to Fort Washington; and two companies thence to Fort Harmar, for winter quarters. This military effort, to chastise or subdue

the hostile tribes, is characterised in an address of the agents of the Ohio company to the government, as "an ineffectual campaign," which left them exposed and unprotected to the fury of an exasperated enemy. The campaign was succeeded by an event which suddenly brought the war home to the settlements of the Ohio company. On the evening of the 2d of January, 1791, a block-house, which had been erected at the Big-Bottom, on the Muskingum, about thirty miles above Marietta, was surprised by a war party of Indians: fourteen out of seventeen persons were killed, and the remainder made prisoners. The utmost alarm followed this event, at Marietta and its dependent settlements. In the comparatively defenceless condition of that place and the other settlements, against an enemy so formidable; when the military force of the United States was so feeble, as it then was, the agents of the Ohio company were constrained to take the defence of the posts into their own hands, to save them from impending destruction; and, for that purpose, to provide as they did, men and munitions of war. Every man and youth, capable of bearing arms, was called to the performance of that duty. With such force as could thus be commanded, the defences at Marietta and the block-house at Belpre and Waterford were garrisoned. Certain resolutions of the agents and proprietors of the company, at that time, are thus prefaced: "Whereas, there is reason to believe that the campaign made against the Shawanees and other Indian nations, the last year, is so far from humbling the Indians and inducing them to sue for peace; that on the contrary, a general war with them will ensue; which is already broke out against the people settled on the Ohio company's land, by the surprise of the block-house at Big-Bottom, on the evening of the 2d instant: the governor (St. Clair) and the secretary (Major Sargent) being out of the territory; the militia of Virginia and Pennsylvania cannot be called to our aid; no relief, in the nature of things, can be expected from the general government in time to give us immediate relief and protection:

and from the present state of Fort Harmar, very little can be expected for our settlements: under these circumstances, we conceive all our settlements in the utmost danger of being swallowed up before any foreign aid can be obtained, unless prevented by immediately drawing in some of our out-settlements; erecting better defences in Marietta, and those out-posts that shall be agreed on to remain, by having all our military strength drawn to certain points, and a particular system of defence established." The inhabitants of all the out-posts were, therefore, advised to remove all their women and children to the town of Marietta and the post at Wolf-creek mills; "and one at Belpre, ought," it was said, "to be made as soon as possible." A call was made on Captain *Zeigler*, then commandant of Fort Harmar, for such aid as he could furnish; and Lieutenant Colonel Commandant *Spevat*, was requested to detach troops, (militia) to garrison Marietta, Belpre, and Wolf-creek settlements; to serve until sufficient aid should be granted for their protection. The troops, thus employed, were assured of pay from the company, nearly on the terms of those of the United States. Six of the best woodsmen were employed as scouts or spies. Through the solicited intervention of the court of quarter sessions, the government was addressed; and a special messenger sent to Philadelphia, with the despatches to the governor of the territory and the President.

Congress, during that session, (1790–91,) authorised the raising an additional regiment of troops; and the unfortunate campaign of General *St. Clair*, succeeded in the autumn of that year; the battle having occurred on the 4th day of November. This most serious disaster left the settlements dangerously exposed, and greatly increased the hazards. Flushed with victory, the hostile Indians, in bands, made frequent excursions to the settlements on the Ohio, in pursuit of victims of their terrible warfare, and of plunder. It demanded the utmost vigilance and caution of brave, experienced and war-tried men, who, fortunately, exercised the command, and

were the counsellors of the embryo state,—to maintain the positions of these early settlements, till the ultimate, though necessarily tardy advance of Gen. *Wayne* into the Indian country, with a better appointed and much increased force; whereby the Indians were diverted and withdrawn from attacks upon the colonists, and finally subdued, in the battle near the rapids of the Maumee: an event which led to a treaty with, and a general pacification of the hostile tribes, at Greenville, in the now county of Darke, on the Great Miami; known by the appellation of "Wayne's treaty," in 1795. In this treaty of peace, boundaries, etc., the Wyandot, Delaware, Shawanee, Ottawa, Pottawatamie, Miami, Eel River, Wea, Kickapoo, Piankashaw and Kaskaskia tribes of Indians, joined, with the commissioner of the United States, General *Wayne*, on the 3d day of August, 1795. It was there agreed in these words: "henceforth, all hostilities shall cease; *peace* is hereby established, and *shall be perpetual*; and a friendly intercourse shall take place between the said United States and Indian tribes." And the *red man* of the forest has kept his word! The *Shawanees buried* the *hatchet:* he has never, it is believed, raised it against the "*long knives*" since. *These* now inhabit his country; they are felling his forests; they till his hunting-grounds; they *raze* even the vestiges of his lodge; the hum of *civilisation* is there; it has taken the place of the *games*, the *dance*, and the *war-cry* of the *red man*; and, ere long, the rumbling of the *rail-road car* will there be heard! The Shawanee and his brothers have gone beyond the great river: they have retired and disappeared, in the *far west:* they have melted before the white man like the snow before the sun-beam. Brave, daring, lofty people! Wild, savage, though you were; your woes claim our sympathies; your courage and constancy demand our respect!

Thus terminated the Indian war of the north-west. Its thrilling incidents; its perils and escapes; its occasional victims; and its anxious watchings, are left to others to narrate: therewith to move your sympathies; to prompt your gratitude.

One or two observations I superadd before dismissing this part of my subject.

The hostile and predatory bands prosecuted the war to the immediate vicinity, and even to the very gates and portals of the small posts, wherein were congregated those who had the hardihood to maintain their positions; cutting off singly, or in small numbers, those who, without due caution or from necessity, straggled abroad from the few places of security. At Marietta, a small corps of United States' troops was stationed, during a part of the war; wholly inadequate, however, for its defence; for which the inhabitants depended mainly on themselves, under a military organisation. Yet it is remarkable how *few* persons, comparatively, looking at the perils to which they were exposed, were lost by the rifle and tomahawk of the savage foe: a fact which speaks much for the prudence, military skill, and caution of the experienced and elder men, who watched for the safety of the infant colony,—the *nucleus* of a mighty *state*. Still, when it is remembered that the inhabitants were obliged to acquire a scanty pittance of food, during a part of this season of trial and of peril, by casual efforts at culture, *surrounded* at the seasons of *labor*, by *arms* and *armed men*, we may form a more lively idea of the privations of those who, in that day of peril and alarm, opened the way for the peace, and quiet, and ease, now enjoyed by those who have succeeded *them*.

Though I have detained you thus long, by this hasty and rapid sketch of our early history, my subject would be the more incomplete were I to omit some facts and observations connected with the *civil* and *social* institutions and events of the period of which I speak.

The fathers of the colony brought with them habits of *order* and *civil rule*. Before the organisation of the territorial government, the directors and agents of the Ohio company, on the 2d July, 1788, "*Resolved*, That a board of police be appointed for the regulation of the settlement." The generals *Putnam*, *Parsons* and *Varnum* were appointed. It

was also ordered, that the board should draw up a system of rules for the government of the settlement, to be laid before the proprietors present.

On the 9th day of September, 1788, at Colonel Battelle's, in "Campus Martius," (the stockade heretofore mentioned,) was opened and held the *first civil court* in the north-western territory, — the court of quarter sessions. *Rufus Putnam* and *Benjamin Tupper*, heretofore mentioned, were judges of the quorum, assisted by justices of the peace. The late Colonel *R. J. Meigs*, sen., was prothonotary. Judge Putnam gave a charge to the grand jury. After a term or two, Judge Tupper presided till his death, in June, 1792. In the same year, 1788, the general court of the territory was organised. By the ordinance of 1787, for the government of the territory, the governor and the judges of the general court were authorised to *adopt* laws for the territory, from the codes of the *states*. The first laws were adopted and published at Marietta. These are extant in print, and in part, in manuscript records. Others were afterwards adopted and published at Cincinnati. One of the first acts of this law-making authority, was to *adapt to* the circumstances of the country, a law for organising and regulating the *militia*, dated 25th July, 1788. By this law, all able-bodied male persons, from *sixteen* to *forty-five* years of age, were subject to, and required to bear arms when occasion required their services. This law was re-modeled, and the militia re-organised in 1797. Under the first regulations, most of persons subject to military duty, actually bore arms during the war. This might, indeed, at that period, have been called an *armed colony*. To strengthen the force for maintaining their positions, the directors and agents present, at Marietta, at an early period, agreed to give lands to actual settlers: this act, however, was unacceptable to the eastern proprietors, and was not acceded to by them. The failure was supplied by a grant of the government, in the north-eastern part of the designated tract of country; to be conveyed to actual settlers;

one hundred acres to each. This is denominated the "*donation tract.*"

The first civil division of the territory was into the counties of *Washington* and *Hamilton.* Other counties were afterwards established and organised as the increase of people and the change of circumstances demanded. The counties were, by a law of the governor and judges, divided into townships: a division which has been retained.

The organisation of courts, and the regular administration of law, by fixed principles and rules of right and wrong, very naturally drew after them the expounders of the law, and the advocates for litigant parties. The late governor *Meigs, Paul Fearing,* Esq. and *Matthew Backers,* Esq., first appeared at the bars of the territorial courts, (in Marietta,) as professional advocates. *David Putnam,* Esq., also an early member of the bar in the territory, had the honor of being at the head of the first *academy* opened for the instruction of youth in Marietta, about the year 1799.

In the train came also the professors of the *healing art.*

> "Of foes intestive what a numerous band
> Against this little throb of life conspire!
> Yet science can elude their fatal ire
> Awhile, and turn aside death's leveled dart,
> Sooth the sharp pang, allay the fever's fire,
> And brace the nerves once more and cheer the heart,
> And yet a few soft nights and balmy days impart."

Nor was religious instruction and the public worship of God, neglected by the early fathers of families. The Rev. Doctor *Daniel Story,* from Massachusetts, became, by their invitation, at an early period, the first pastor of the first religious congregation and society in Marietta.

In the year 1799, the government of the territory underwent a modification: the first representative legislature assembled at Cincinnati, in September of that year. Members of that body, of the second session, at least, are still living,— citizens of Ohio: a striking indication of the rapid growth of a state, such as Ohio now is, within less time than the ordinary life of man.

The next important change in our civil institutions, was that from a *territory* to a *state*, and a member, as such, of the Union: this occurred in the year 1802. A state whose history is, doubtless, familiar to many who hear me; and whose onward progress may be seen and felt by the most common observer.

Thus, my auditors, have we passed, rapidly, indeed, over the canvass which depicts some of the prominent features in that which may be summed up in one word—OHIO.

For *us* did our fathers purchase a country and a *home* in the west: for *us* did they peril the wilderness and the savage foe. They have given us a free, republican polity, and a government of *laws*—enacted by the immediate representatives of the people. These, directed hither, by the finger of Providence; protected by His power, and guided by His wisdom,—they have transmitted to us. But all *this* is not enough to ensure our happiness and welfare as a people. *Moral culture*, and a regard for *law* and *order*, must direct and regulate physical and intellectual power, or our now felicitous and boasted country may become a waste, by the vices and dereliction of its own people. Under the providence of God, "without whom nothing is strong," our destiny, as a people, a civil community, is in our *own* hands. Let us invoke His continued guidance. Then, with a becoming reverence for His laws, and trust in His protection, may we freely *use* without *abusing* the blessings which He has so bountifully bestowed upon us. And in the faith and hope of a continuance of civil and social prosperity, may we appreciate and realise the sentiment of the poet:—

"Hail sacred polity, by freedom reared!
Hail sacred freedom when by *law* restrained!
Without you what were man? A grovelling herd,
In darkness, wretchedness, and want enchained.
Sublimed by you the Greek and Roman reigned
In arts unrivaled; O, to latest days
In our country may your influence unprofaned,
To godlike worth the generous bosom raise,
And prompt the sage's lore, and fire the poet's lays."

ERRATA.

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Page 10, line 4 from bottom—for *this*, read *that*.
Page 12, line 18 from bottom—for *vice*, read *vices*.
Page 47, line 4 from bottom—for *labos*, read *labors*.
Page 82, line 14 from bottom—for *were*, read *was*.
Page 104, line 4 from top—after *began*, insert *to*.
Page 135, line 10 from bottom—for *cession*, read *cessions*.
Page 161, line 14 from bottom—for *persons*, read *individuals*.
Same page, line 12 from bottom—for *individuals*, read *persons*.
Page 29, line 5 from bottom, for *actions* read *action*.

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